

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(127)

CWP No. 2107 of 2020

Date of Decision : 27.01.2020

Sh. Gurdeep Singh

....Petitioner

Versus

Union of India and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Beant Singh Seemar, Advocate for the petitioner.

Harsimran Singh Sethi, J. (Oral)

Learned counsel for the petitioner states that the claim of the petitioner for the grant of disability pension has been declined by the respondents on the ground that the disability of VIRAL KERATO CONJUNCTIVITIS (BOTH EYES) is not permanent disability and further, disability of the petitioner is less than 20% and hence, petitioner is not entitled for the grant of disability pension.

Learned counsel for the petitioner argues that in case, disability of the petitioner is not permanent, then the Discharge Certificate of the petitioner, wherein, the disability has been recorded as SHAPE 2(P), needs to be amended. Learned counsel further argues that petitioner is suffering prejudice on both accounts as neither he is given the disability pension and because of the permanent disability shown in the Discharge Certificate, he is unable to get any further employment also.

Learned counsel for the petitioner states that petitioner is not challenging the non-grant of disability pension but will pray that direction

be issued to the respondents to suitably amend the Discharge Certificate of the petitioner to state that disability is not permanent but was temporary and the same is already over.

Learned counsel for the petitioner states that though the petitioner has served upon the respondents a legal notice dated 25.05.2019 (Annexure P-7) in this regard but vide reply dated 28.06.2019 (Annexure P-8), only the claim for release of the disability pension has been considered and rejected but no order has been passed with regard to the amendment of the discharge certificate. Learned counsel for the petitioner prays that respondents be directed to consider the claim of the petitioner for suitably amending the Discharge Certificate so as to mean that the disability on the basis of which the petitioner was discharged, is no longer in existence, so that petitioner is able to get an appointment in any other field.

In view of the request made, without expressing any opinion on the merits of the case and the claim being made by the petitioner, respondent No. 4 is directed to decide the legal notice dated 25.05.2019 (Annexure P-7) by passing a speaking order within a period of three months from the date of receipt of a certified copy of this order in respect of the request of the petitioner for modifying the Discharge Certificate in respect of the factum of disability, which has been mentioned as SHAPE 2(P).

Writ petition stands disposed of accordingly.

January 27, 2020
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? *Yes*
Whether reportable? *No*