

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-83-2022 (O&M)

Date of Decision: January 07, 2022

Ranbir Singh

..... Petitioner(s)

Versus

State of Haryana and others

..... Respondent(s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Anshul Gupta, Advocate
for the petitioner.

Ms. Kirti Singh, D.A.G., Punjab.

LISA GILL, J. (Oral)

This matter is being taken up for hearing through video conferencing due to the outbreak of pandemic, COVID-19.

Petitioner seeks issuance of direction to the respondents to not treat him as surplus, being 75% disabled/handicapped, especially in view of Clause 2 of Rationalization Guidelines dated 27.09.2021 (Annexure P-2).

Learned counsel for the petitioner submits that petitioner, who is serving as a guest JBT Teacher, is disabled to the extent of 75%. Reference is made to the certificate annexed as Annexure P-1. As per Guidelines issued in respect to the rationalization procedure, a guest Teacher who is handicapped to the extent of 75%, shall not be declared surplus. Learned counsel for the petitioner further refers to communication dated 01.10.2021, of the Headmaster of the Government Girls Primary School,

Chaharwala (Sirsa) to the Office of Block Education Officer, Nathusari Chaupta (Sirsa), Annexure P-4, seeking guidance as to whether the petitioner, who is admitted to be disabled to the extent of 75% can be declared surplus. At the same time, petitioner already stands declared surplus as per office order dated 29.09.2021 with a note appended to this order stating that in case petitioner who falls in 70% handicapped category is not to be treated as surplus, one Shri Mohan Lal be treated surplus. A representation, it is stated, was also submitted by the petitioner but to no avail.

Notice of motion.

Ms. Kirti Singh, D.A.G., Punjab, accepts notice on behalf of all the respondents.

Keeping in view the facts and circumstances of the case, but without any expression of opinion on the merits of the controversy, this writ petition is disposed of with a direction to the competent authority to decide petitioner's representation dated 11.11.2021 (Annexure P-5), within a period of two weeks from receipt of certified copy of this order.

Status quo regarding petitioner's posting be maintained till decision on the petitioner's representation. In case of an order adverse to the petitioner, same be not implemented for a week thereafter.

07.01.2022
Sunil

(LISA GILL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No