

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-4330-2020

Date of Decision: July 20, 2022

Dinesh Kumar and another

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Jangjit Singh Dahiya, Advocate,
for the petitioners.

Mr. R.S. Budhwar, Addl. AG, Haryana.

HARSIMRAN SINGH SETHI, J. (Oral)

In the present petition, the challenge is to the order dated 05.11.2019 (Annexures P-22 and P-23), vide which the claim of the petitioners, to grant them the benefit of promotion under the Handicapped Category, has been declined.

Learned counsel for the petitioners argues that the claim of the petitioners has been declined on the ground that in the respondent department, there are only 13 posts in the cadre against which the benefit of reservation is being claimed, same cannot be extended to the petitioners keeping in view the less number of posts. Learned counsel argues that in case there are less number of posts, then the respondents are required to operate roster, so as to grant the benefit to the physically handicapped employees, who are entitled for promotion under physically handicapped quota for which 3% posts have been reserved.

After notice of motion, reply has been filed on behalf of

respondent Nos. 1 and 2, which is taken on record, wherein it is submitted that as per the instructions already prevalent, the vacancies based upon the horizontal reservation for the persons with disability, shall be computed on the basis of total number of vacancies occurring in the cadre and the claim of the petitioners will be placed and considered in the next meeting of the Departmental Promotion Committee, accordingly.

Learned counsel for the petitioners submits that keeping in view the reply filed by the respondents, no further grievance of the petitioners further survive in the present petition and the same be disposed of as having been not pressed.

Ordered accordingly.

(HARSIMRAN SINGH SETHI)
JUDGE

July 20, 2022

Pk Kapoor

Whether Speaking/Reasoned: **YES/NO**

Whether Reportable: **YES/NO**