

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

(206)

CWP-10417-2002 (O&M)

Date of Decision : November 29, 2022

Kamal Parkash

.. Petitioner

Versus

State of Haryana and others

.. Respondents

(206-2)

CWP-1041-2003

Raj Kumar Sharma

.. Petitioner

Versus

State of Haryana and others

.. Respondents

(206-4)

CWP-10871-2002 (O&M)

Dilraj Singh and others

.. Petitioners

Versus

State of Haryana and others

.. Respondents

(206-5)

CWP-11425-2002 (O&M)

Parveen Kumar

.. Petitioner

Versus

State of Haryana and others

.. Respondents

(206-6)

CWP-19637-2002 (O&M)

Mukesh Kumar and others

.. Petitioners

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Parth Goyal Advocate and
Mr. Nikhil Lather, Advocate, for
Mr. Anurag Goyal, Advocate, for the petitioners
in CWP Nos.10417, 10871, 11425 and 19637 of 2002.

Mr. Ravi Verma, Advocate, for the petitioners
in CWP No.1041 of 2003.

Mr. Rajesh Gaur, Additional Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

By this common order, five writ petitions, the details of which have been given in the heading, are being disposed of as all the petitions involve the same question of law on similar facts.

In the present petitions, the grievance of the petitioners is that their services are not being regularized by the respondents by giving them the benefit that they suffered from physical disability.

The respondents contested the claim of the petitioners on the ground that the benefit of regularization on the basis of the particular policies issued by the Government of Haryana as being sought in the present petitions, which policies are not applicable upon the petitioners as the said policies only covered the physically disabled employees who have been selected in the said reserved category whereas, the petitioners have been

appointed in the general category, hence, the claim of the petitioners was not covered under the said policies.

Learned counsel for the parties are agreeable that after filing of the present petitions, services of the petitioners have been regularized and only grievance which now survive is whether, the petitioners are entitled for regularization from the antedate as being claimed or not.

Learned counsels for the petitioners submit that the petitioners will raise the said claim before the authorities concerned with a prayer that even if an employee is appointed against general category is handicapped, he/she will be entitled for the benefit, which is envisaged for an handicapped employee and merely because an employee is selected in the general category and not under the said reserved category, will not debar his/her candidature for seeking the said benefit, once he/she is also a handicapped person.

Learned counsel for the petitioners in CWP No.19637 of 2002 submits that petitioners No. 2 and 3 have already been granted the said relief. Learned counsel for petitioner No.1 submits that when another employee, who was also not appointed in the Orthopedic category but has been granted the said benefit, the claim of the petitioner, which he intends to raise in the representation, may also be appreciated by taking into account the same.

Learned counsel for the respondents submits that in case any such representation is filed by the petitioners, the same will be considered in accordance with law and appropriate order will be passed within a period of eight weeks of the receipt of any such representation.

Learned counsel for the petitioners submits that in view of the above, the present petitions may kindly be disposed of having been not pressed any further with liberty as prayed for.

Ordered accordingly.

As the main case has been disposed of, applications i.e. CM-19374-2002, CM-20215-2002, CM-21337-2002 and CM-36640-CWP-2002 also stand disposed of.

A photocopy of this order be placed on the file of other connected cases.

November 29, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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