

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

CWP-15280-2022 (O&M)

Date of decision: 18.07.2022

Sumitra Devi

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. S.K.Malik, Advocate,
For the petitioner.

Ms. Harsh Rekha Kapoor, AAG, Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of certiorari to quash order dated 13.07.2022 (Annexure P-4) to the extent of giving posting on promotional post i.e. Sub Assistant Superintendent at District Jail Rewari.

2. Learned counsel for the petitioner submits that petitioner is a disabled person being 100% blind. Post of Sub Assistant Superintendent at District Jail, Panipat is lying vacant and petitioner has already given consent for District Jail, Panipat as she has been already working there. He submits that being a disabled person, petitioner ought to have been allowed to continue on promotional post at District Jail Panipat keeping in view of Section 47(1) of Persons with Disability Act 1955. He submits that the action of respondent No.2 in giving posting to the petitioner on promotional post at a distant place i.e., District Jail, Rewari which is 200 Kms away from her current place of posting despite the fact that the post of Sub Assistant Superintendent Jail is lying vacant at District Jail, Panipat, is arbitrary.

3. Learned counsel for the petitioner further submits that for redressal of her aforesaid grievance, petitioner also submitted a representation dated 13.07.2022 (Annexure P-5) but the same has not been adverted by the respondents till date. Hence, the instant petition.

4. On advance service, learned State counsel appears and submits that the representation though which has been addressed to

Superintendent of Police ought to have been to respondent No.2- Director General of Prisons. However, the competent authority shall take decision either way, on the pending representation dated 13.07.2022 (Annexure P-5), in due course.

5. At this stage, learned counsel for the petitioner also agrees that let a final decision be taken, by the competent authority on the pending representation dated 13.07.2022 (Annexure P-5).

6. Given the nature of order being passed, there is no necessity to seek return by any of the respondents as no further proceedings and/or pleadings are required.

7. Without commenting on the merits of the case, the writ petition is disposed of with a direction to the competent authority to look into the grievance of the petitioner as per representation dated 13.07.2022 (Annexure P-5) and take a decision in accordance with law. However, it is expected that due regard will be given to the Instructions as well as the Statutory Provisions contained in the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 more particularly provisions contained in Section 47 thereof.

8. Till the order is passed, petitioner shall not be compelled to shift from Panipat to Rewari being 100% blind as it is to be kept in mind that it takes years of practice and specially to get accustomed to the surroundings for a blind person and to shift to entirely new environment would severely jeopardize the right of petitioner for her to work for lack of confidence since she would not know the surroundings.

9. Disposed of accordingly.

JULY 18, 2022
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No