

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

CWP-24179-2018 (O&M)

Date of decision: December 07, 2022

Raj Pal and others

.....Petitioners

versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Govind Mor, Advocate for
Mr. Jasbir Mor, Advocate for the petitioners.

Mr. Saurabh Mohunta, DAG Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Mandamus directing the respondents to prepare the seniority list of handicapped persons in each cadre/ post i.e., Agriculture Development Officer & Block Agriculture Officer/ Technical Assistant. Further benefit of reservation in promotion w.e.f. 01.01.1996 by giving deemed date of promotion to the petitioners on the post of Block Agriculture Officer/ Technical Assistant against 3% posts reserved for handicapped persons has also been sought, as well as, all consequential benefits, including seniority and arrears of pay from the deemed date realization of the amount with market rate of interest.

2. In the return dated 09.03.2021 filed by Dr. Hardeep Singh, Director General of Agriculture and Farmers Welfare Department, Haryana, following stand has been taken in Paras-4 & 5 thereof:

“4. That the Department is considering and preparing the seniority list of the petitioners as per Government instructions and as per provision of the “The Right of the Persons with Disability Act, 2016”. It is submitted that the Government vide order dated 18.01.2019 promoted the petitioners to the post of Subject Matter Specialists/ Quality

Control Inspectors and the petitioner joined their duties on the new place of posting. The copy of the promotion order is annexed as Annexure R-2 for the kind consideration of this Hon'ble Court.

5. *That the case of the petitioners for promotion to the next higher promotion is under active consideration and after preparing the seniority list the promotion on the next higher post may be done shortly and accordingly their pay be fixed notionally. In this way the present writ petition become infructuous."*

3. Aforesaid clealry suggests that matter is still pending on the administrative side. Whatever the delay, is attributable to the Department, compelling the petitioners to file the instant petition.

4. In the premise, writ petiiton is disposed of with an expectation that the pending decision be taken, as expeditiously as possible, but not later than 3 months from today. If any, favourable order is passed, benefit thereof be accorded to the petiitoners within 2 months thereafter. Needless to say, petitioners will have option to seek mitigation of their grievance, in case they are dis-satisfied with the administrative decision.

5. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

December 07, 2022

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No