

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

1. **Civil Writ Petition No. 27807 of 2018**
Date of Decision: May 11 , 2022.

Mahender Singh PETITIONER
Versus
State of Haryana and others RESPONDENTS

2. **Civil Writ Petition No. 17240 of 2017**

Mahender Singh PETITIONER
Versus
State of Haryana and others RESPONDENTS

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Viren Nehra, Advocate for
Mr. Sunil K.Nehra, Advocate
for the petitioner in CWP No.27807 of 2018.

Ms. Rinki K.Singhania, Advocate for
Mr. S.K.Malik, Advocate
for the petitioner in CWP No.17240 of 2017.

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

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

This order shall dispose of CWP No.27807 of 2018 and CWP No.17240 of 2017.

CWP No.17240 of 2017 has been filed by the petitioner seeking

quashing of show cause notice dated 12.02.2013 (Annexure P8 -collectively) alongwith statement of allegations as well as inquiry report dated 30.12.2015 (Annexure P10), besides, show cause notice dated 02.04.2010 and 02.03.2016 whereby proceedings under rule 7 of the Haryana Civil Services (Punishment and Appeal) Rules, 1987 were initiated against the petitioner. There is a further prayer for directing the respondents to grant Assured Career Progression (ACP) pay-scale and Leave Travel Concession (LTC) from the due date with all consequential benefits.

CWP No.27807 of 2018 has been filed by the petitioner seeking direction to the respondents to withdraw the charge sheet issued to him and conduct his medical examination again.

Brief facts of the case are that, 84 posts of Masters/Mistress in Education Department, Haryana were advertised on 18.04.2001 with various posts reserved for persons having disabilities. Petitioner having disability to the extent of 40% applied for the post of Science Master. After being found suitable and eligible, petitioner was offered appointment to the post in question in the physically handicapped category. A complaint was received by the Chief Secretary to Government of Haryana with allegations that certain candidates have incorrectly procured certificates of disabilities. Vigilance inquiry was conducted and on finding the appointments doubtful, selected candidates were directed to be medically re-examined by a Special Medical Board at PGIMS, Rohtak. Petitioner also appeared before the Special Medical Board. It was reported that petitioner has multiple disabilities, the utmost in visual category to the extent of 30% and he was found disabled under 40%. Thereafter, he was served with a charge-sheet under Rule 7 of the Haryana Civil Services

(Punishment and Appeal) Rules, 1987. Legal notice dated 08.03.2017 attached as Annexure P15 with CWP No.17240 of 2017 was served upon the department stating therein that Medical Board at PGIMS, Rohtak has issued two disability certificates i.e., one with regard to vision to the extent of 30% disability and the second with regard to orthopedic disability to the extent of 40%. Therefore, in accordance with the applicable formula, petitioner suffered more than 40% disability.

Short reply dated 14.02.2020 has been filed in CWP No.17240 of 2017 wherein it is stated that this fact was verified by the department and in terms of circular dated 25.04.2018, petitioner is entitled for consolidation of disabilities and accordingly grievance as set-forth by the petitioner has been found to be justified, therefore, charge-sheet served upon the petitioner has been withdrawn vide order dated 09.12.2019. It is further stated that the other reliefs as prayed for by the petitioner for grant of Assured Career Progression pay scale as well as other benefits would be considered and decided accordingly. Copy of order dated 09.12.2019 is attached as Annexure R1 alongwith the short reply.

Learned counsel for the State submits that in view of the above, these writ petitions are rendered infructuous.

Learned counsel representing petitioner in CWP No.27807 of 2018 does not deny the same, whereas learned counsel appearing for the petitioner in CWP No.17240 of 2017 submits that she has no instructions in the matter.

Be that as it may, in view of the categorical stand in the short reply dated 14.02.2020, both the writ petitions are indeed rendered infructuous and are disposed of accordingly.

Needless to say, necessary action in respect to Assured Career

Progression pay scale etc. if not already carried out, be taken expeditiously and preferably within two months of the receipt of certified copy of this order.

May 11 , 2022.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No