

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

CWP-9478-2017

Date of decision: 02.08.2022

PHOOL CHAND YADAV

..Petitioner

VS

UNION OF INDIA AND ORS

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Nitin Rathee, Advocate,
For the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

Ms. Gehna Vaishnavi, Advocate
For respondent No.1.

Mr. Randeep Tanwar, Advocate
For respondent No.4.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of certiorari to quash the order dated 12.04.2017 (Annexure P-7) vide which respondent No.4 has been appointed as Commissioner for Persons with Disability under Section 60 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

2. Learned counsel for the petitioner fairly concedes that during pendency of the writ proceedings, the relief of the petitioner qua challenging the appointment of respondent No.4, as Commissioner for Persons with Disabilities under Section 60 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 is rendered infructuous as fixed tenure of one year of respondent No.4 long got over and on the other hand, petitioner currently being 66 years old, in any case, is over aged to be considered for the said appointment.

3. As regards the other relief *qua* issuance of writ of Mandamus directing the respondents to frame Rules as per provisions of Section 73 of the erstwhile Act, the same now stands superseded vide subsequent Act of

2016 and the corresponding Section contained therein is Section 101, which requires a similar mandate to be carried out.

4. Having heard the arguments, I am of the view that I need not labour even on the second part of the relief in view of the Division Bench of this Court having dealt with the same in the writ petition bearing CWP No.4623 of 2016, wherein following observations have been noted:-

“Learned State counsel submits that the State Government is under a bounden obligation to frame Rules and to notify the same as per mandate contained under Section 101 of the 2016 Act. He, however, is not in a position to make a statement as regards the time frame within which the Rules would be framed.

Keeping in view the laudable object sought to be achieved under the Act, the instant writ petition is disposed of with a direction to State of Haryana, Department of Social Justice and Empowerment to take necessary steps to frame Rules as per mandate of Section 101 of the 2016 Act.

The Rules be framed and notified expeditiously and in any case within a period of 04 months from the date of receipt of a certified copy of this order.

Disposed of.”

5. In view of the aforesaid, respondents are directed to do the needful within a period of 6 months from today failing which they will expose themselves to the adverse consequences.

6. Instant writ petition is disposed of accordingly.

(ARUN MONGA)
JUDGE

August 02, 2022

vandana

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No