

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

**CWP NO. 24287 OF 2021**

**DATE OF DECISION : 14.02.2022**

**Director General, Health Services, Haryana** **...Petitioner**

**Versus**

**Manjeet Singh and another** **...Respondents**

**CORAM : HON'BLE MR. JUSTICE ARUN MONGA**

Present : Mr. Saurabh Mohunta, DAG, Haryana.

Mr. Surinder Pal, Advocate,  
for respondent No.1.

**ARUN MONGA, J. (ORAL)**

Petitioner herein, *inter-alia*, seeks issuance of a writ in the nature of certiorari seeking quashing of impugned orders dated 05.07.2019, 28.06.2021 and 14.10.2021 (Annexures P-5, P-10 and P-14 respectively).

2. Respondent No.1 was recruited a Multi-Purpose Health Worker (Male) on 04.12.2004 in BC (A) category. Vide order dated 15.11.2006, he started getting conveyance allowance for disabled employees with effect from 09.08.2006. Respondent No.1 filed complaint before respondent No.2 seeking promotion after giving benefit of the Rights of Persons with Disability Act, 2016. The said complaint was disposed of by recommending promotion to respondent No.1 giving him the benefit of reservation.

3. Learned counsel for the petitioner submits that petitioner took appropriate steps for granting reservation in promotion to respondent

No.1 in view of instructions issued by Government of Haryana and the matter was kept under consideration for clarification. He further argues that the delay, if any, has caused due to current pandemic.

4. I have heard rival contentions of learned counsels for the parties and have gone through the file carefully.

5. Relevant directions in the impugned orders passed by the Commissioner for Persons with Disabilities, Social Justice and Empowerment Department, Haryana are as under :

**“Order dated 05.07.2019 (Annexure P-5)**

“xxx

*In view of above facts, I, Commissioner for Persons with Disabilities, hereby recommend the promotion of the complainant within one month and pass the order to file the complaint and Respondent to file the compliance report in this Court.”*

**“Order dated 28.06.2021 (Annexure P-10)**

*“ In compliance to the order dated 17.06.2021, the respondent Director, Health Services (Malaria) Haryana vide its Memo No.VBD/N-1/2021/2868 dated 18.06.2021 has submitted the photocopies of the proposal meant for the promotion of MPHW with effect from 01.01.1996.*

xxx

*In view of above it transpires that the respondents are deliberately depriving the rights of disabled MPHW in their promotion strictly in accordance with the Government Rules hence the proposal is sent back for necessary corrections strictly in accordance with the Rules and resubmit to the competent authorities with a copy to this Court within a period of two weeks.”*

**“Order dated 14.10.2021 (Annexure P-14)**

“xxx

4. On the last date of hearing Deputy Director, Dr. Krishan Kumar had personally undertaken during the hearing that no further clarification is required from any authority and the necessary order qua the deem date promotion of MPHW (M) shall be issued within a month and the compliance report shall be submitted at least one week

*prior to the hearing fixed for today shall be submitted with an advance copy to the complainant but no such undertaking has been abided by him which is a very serious matter. It was additionally undertaken that in case Dr. Krishan Kumar, Deputy Director, Health Service fails to abide by his undertaking, he shall be liable to face the consequences as contained in Section 89 and 93 of the RPwD Act, 2016.*

*5. In view of the above, a penalty of Rs.10,000/- is imposed against Dr. Krishan Kumar Deputy Director, Health Services, Haryana and further a penalty of Rs.15,000/- is imposed under Section 93 of RPwD Act, 2016 which shall be deposited within a period of two weeks from today by way of a demand draft in the name of State Commissioner for the Persons with Disabilities, Haryana. The aforesaid amount shall personally be recovered/deposited by Dr. Krishan Kumar, Deputy Director, Health Services, Haryana, as he has failed to abide by his undertaking and also being the dealing officer who had to comply with the recommendation/order of this court dated 05.07.2019.*

*6. Dr. Rakesh Saini, Deputy Director, who is virtually present on today that the compliance of recommendation dated 06.07.2019 and order dated 28.06.2021 shall be complied in letter and spirit within next one month. It is further made clear that in case of non-compliance of the undertaking made by Dr. Rajiv Kumar on the last date of hearing and by Dr. Rakesh Saini, both Deputy Director shall be taken seriously and further action as per law shall be initiated in that case.”*

6. I am unable to persuade myself with the argument canvassed by learned State counsel that the costs imposed vide impugned orders are to be deposited by the department and not officers who were representing the department. A bare perusal of the orders impugned herein would reveal that it is not stated anywhere in the order that the costs imposed on an officer is to be deposited by the department. In the absence of the officers aggrieved qua imposition of the costs not having challenged the same, no grounds to interfere are made out. The department has no locus standi to file the present petition.

7. In case officers concerned are aggrieved by the imposition of costs on them, they are at liberty to move appropriate application before

the Commissioner for Persons with Disabilities, Social Justice and Empowerment Department, Haryana, who may look into the same leniently, in case he so wishes, since it is stated that promotion policy qua the category in which respondent No.1 belongs is at an advanced stage of being formulated and therefore, his promotion in case he is eligible is held up and not for any other deliberate reasons.

8. As regards impugned orders Annexures P-5 and P-10, the time for their compliance is extended for three months from the uploading of the copy of this order on the Court’s website. It will be the responsibility of the petitioner to pursue the matter with competent authorities and ensure timely compliance.

9. With these observations/directions, the petition is dismissed.

**FEBRUARY 14, 2022**  
Shalini

**(ARUN MONGA)**  
**JUDGE**

|                                    |               |
|------------------------------------|---------------|
| <b>Whether speaking/reasoned :</b> | <b>Yes/No</b> |
| <b>Whether reportable :</b>        | <b>Yes/No</b> |