

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.10805 of 2019 (O&M)

Date of Decision.14.02.2023

Basant Kumar

...Petitioner

Vs

Uttar Haryana Bijli Vitran Nigam Ltd. and others

...Respondents

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. R.S. Malik, Advocate
for the petitioner.

Mr. Deepak Balyan, Advocate
for respondent Nos.1 to 3.

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JAISHREE THAKUR J. (ORAL)

1. The present writ petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of Certiorari for quashing the impugned order dated 04.02.2019 (Annexure P-8) passed by respondent No.3 whereby services of the petitioner has been dismissed without following the principles of natural justice.

2. Learned counsel appearing on behalf of the petitioner would contend that petitioner was appointed with the respondent-Department as Assistant Lineman (in short ALM) on DC rates and he was continuously discharging his duties without any complaint. On 30.11.2018, petitioner was called upon to attend a complaint along with Sandeep, ALM at Sector 14 complaint centre, Sonapat. While attending to the complaint, petitioner sustained injuries due to high voltage power. The petitioner was admitted in the Government Hospital, Sonapat on the said date and thereafter, referred to Sir Ganga Ram Hospital, New Delhi. However, without following any due process of law, petitioner stood dismissed from service. It is argued that in

fact, no show cause notice was ever issued to the petitioner before passing of impugned order. Aggrieved against the order of dismissal, the present writ petition has been filed.

3. Learned counsel appearing on behalf of the respondents would submit that pursuant to the order so passed by this Court on 08.05.2019, petitioner has been taken back in service vide office order dated 07.12.2019 and therefore, the writ petition does not survive.

4. At this juncture, learned counsel appearing for the petitioner would contend that petitioner had suffered grievous injuries while performing his duties on 30.11.2018 and dismissed from service summarily. Even though he has been reinstated in service, he would be entitled to benefits of pay and allowance for the period he was unable to work, in view of the provisions of Section 20 (4) of the Rights of Persons with Disabilities Act, 2016. It is further contended that in terms of Section 20 of the Act *ibid*, the petitioner would be entitled for protection insofar that his services cannot be dispensed with or reduced in rank, as he acquired a disability during service. It is also submitted that petitioner suffered burn injuries while attending a complaint, which necessitated his admission and treatment in various hospitals and therefore, for the period he remained out of service, he ought to be compensated by payment of his salary.

5. I have heard learned counsel for the parties and have perused the paper book and find that the writ petition was initially filed seeking to challenge petitioner's order of dismissal primarily on the ground that no show cause notice had been issued to him, with further prayer of reinstatement in service with all consequential benefits. This Court vide order dated 08.05.2019 had directed that the petitioner shall be reinstated in service. The respondent-

Nigam did not challenge the said order but also did not comply with the same within the specified period. The order was implemented almost 7 months thereafter. Be that as it may, in case the petitioner represents to the respondent-Nigam for release of his salary for the period he remained out of service within a period of two weeks from the date of receipt of certified copy of this order, the same shall be considered and decided by the respondent-Nigam in accordance with provisions of the Rights of Persons with Disabilities Act, 2016 by passing a speaking order within a period of four weeks thereafter.

6. The writ petition stands disposed of in above terms.

	(JAISHREE THAKUR)	
	JUDGE	
February 14, 2023		
Pankaj*	Whether speaking/reasoned	Yes/No
	Whether reportable	Yes/No