

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(225)

CWP-17783-2018

Date of Decision : October 30, 2023

Pushpinder Kumar

.. Petitioner

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. P.C. Yadav, Advocate, for the petitioner.

Mr. Harish Nain, Assistant Advocate General, Haryana.

Mr. Gaurav Mohunta, Advocate, with
Mr. Rishabh Jain, Advocate, for respondent No.6.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the grievance raised by the petitioner is that respondent No.6 has wrongly been appointed to the post of District Attorney by taking into consideration a disability certificate issued by the Civil Surgeon, Palwal reflecting 42% disability as only thumb of the left hand has been amputated, which disability cannot be 42% as being reflected in the disability certificate Annexure P-3.

2. Learned counsel appearing on behalf of respondent No.6 submits that once there is a disability certificate issued to respondent No.6 reflecting 42% disability, which disability certificate has not been withdrawn or cancelled, the claim of the petitioner that respondent No.6 does not suffer the required percentage of disability, is totally incorrect.

3. Learned State counsel submits that respondent No.6 has been appointed on the basis of the disability certificate without going into the

merit of the certificate as to whether, the same is genuine or not.

4. I have heard learned counsel for the parties and have gone through the record with their able assistance.

5. It is a conceded fact that the disability which is being suffered by respondent No.6 is amputation of left thumb and whether the said amputation will amount to total 42% disability being suffered by respondent No.6 is in dispute in the present petition. This Court is not in a position to decide about the exact percentage of disability being suffered by respondent No.6. Though respondent No.6 has already been issued certificate by the Civil Surgeon, Palwal but keeping in view the fact that the authenticity of the same has been challenged by the petitioner, the Government will be in a best position to decide as to whether, respondent No.6 suffers minimum required disability to grant the benefit of being a disabled to respondent No. 6 or not.

6. Let the respondent-State examine the issue and pass appropriate order within a period of eight weeks of the receipt of copy of this order.

7. It is made clear that respondent-State will be free to direct respondent No.6 to undergo a medical examination in case the State wants to do so before passing appropriate speaking order and in case the State decides to undertake the medical examination of respondent No.6, the said examination should be either at PGI Rohtak or at PGI, Chandigarh.

8. The present petition is disposed of in above terms.

October 30, 2023

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No