

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

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CWP-16876-2023
Date of Decision: 04.08.2023

SHALU GUPTA

... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. H.C. Arora, Advocate
for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

The instant petition has been instituted under Articles 226/227 of the Constitution of India, 1950 seeking issuance of a writ in the nature of Mandamus for directing the respondents to immediately extend regular financial assistance to Sh. Rajneesh Gupta, husband of the petitioner, who is 100% disabled.

Learned counsel for the petitioner contends for extension of regular financial assistance on the ground that Sh. Rajneesh Gupta (husband of the petitioner herein), is 100% disabled as per the report submitted by Medical Board/Assessment Board on 10.05.2023 (Annexure P-9). The petitioner submitted an application dated 05.09.2022 to the respondent No.4-District Social Security Officer, Bathinda in which she stated that her husband met with a road accident on 16.05.2015 and was seriously injured and vertebra of his spinal cord was broken, with the result that the entire body below the neck of Sh. Rajneesh Gupta has been completely paralysed. The petitioner also submitted that she has two children, one daughter aged

about 11 years and another is son aged about 08 years. Her husband is bedridden since 2015 and there is no other earning member in the family but respondent No.4 did not respond positively to the request submitted by the petitioner. The petitioner was left with no other alternative except to serve a legal notice dated 12.12.2022 on respondents No.2 to 4, calling upon them to set up an "Assessment Board" within a period of 15 days and get the husband of the petitioner examined from such Assessment Board and to decide about the assistance/support that is to be extended to the husband of the petitioner.

In response to the legal notice dated 12.12.2022 (Annexure P-4), the respondent No.3, directed the respondent No.4, vide letter dated 19.12.2022 to get a medical Assessment Board set up from the Civil Surgeon, Bathinda and get a medical report of Sh. Rajneesh Gupta.

That on 10.05.2023, Sh. Rajneesh Gupta, was examined by the expert doctors who submitted a detailed report, which was forwarded by the Office of Civil Surgeon, Bathinda to the respondent No.4-District Social Security Officer, Bathinda on the same date. The relevant portion containing recommendation by the Medical Assessment Board is reproduced hereunder:

"The Board observes that it is an operated case of cervical spine injury since 2015 and is 100% permanent disabled as per the disability card attached in record. The patient cannot move, stand or walk. The patient is bedridden and needs regular basic nursing care. He is on Tracheostomy, regular catheterisation and needs regular bed, bowel, bladder care. The patient needs suction catheter, uritheral catheter, Urine collection bag, tracheostomy tube, under pad and gloves on regular basis. The patient also needs physiotherapy and attendant care."

That despite the appropriate recommendation having been made by the assessment Board, the said respondents did not take any steps to

extend the requisite support to the petitioner for taking care of her husband as per law. Hence, filing the present petition.

Notice of motion.

Mr. Saurav Verma, Addl. A.G. Punjab appears and accepts notice on behalf of respondents.

Learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if respondent No.4-District Social Security Officer, District Administrative Complex, Bathinda is directed to consider and decide the representation dated 05.09.2022 (Annexure P-2) in a time bound manner.

Learned counsel for the respondents does not oppose the prayer made by learned counsel for the petitioner.

Accordingly, in view of the above, with the consent of the parties and without commenting anything on the merits of the case, the present petition is disposed of directing respondent No.4-District Social Security Officer, District Administrative Complex, Bathinda to consider and decide the representation dated 05.09.2022 (Annexure P-2) by passing a reasoned and speaking order after affording an opportunity of hearing to the respective parties within a period of 02 months of the date of receipt of certified copy of this order.

Petition stands disposed of accordingly.

AUGUST 04, 2023
Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No