

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

123

CWP-17103-2023

Date of Decision : 23.08.2023

Surinder Mittal

..... Petitioner

Versus

New India Assurance Company Ltd. and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr.Gaurav Chopra, Sr. Advocate with
Mr. Akshat Dalal, Advocate for the petitioner.

Mr. Ashwani Talwar, Advocate
for the respondents.

JAGMOHAN BANSAL, J. (Oral)

1. On 16.08.2023, the following order was passed :

“Short reply filed by the respondents is taken on record. Registry is directed to tag the same at appropriate place.

Mr. Ashwani Talwar, learned counsel for the respondents, at the outset, submits that petitioner may be asked to get himself examined from PGI, Chandigarh in the presence of some official of the respondent to verify whether petitioner can regularly join office at first floor using staircase or chair lift.

Mr. Gaurav Chopra, Senior Advocate submits that petitioner along with official of the respondent would appear before Neurology Department, PGIMER and get himself examined in support of his claim.

To resolve the controversy, the Director, PGIMER is hereby requested to get the petitioner examined from doctor concerned on 18.08.2023.

Adjourned to 23.08.2023.

A copy of this order be supplied to the petitioner under the signatures of Bench Secretary.”

2. Mr. Chopra, Senior Advocate submits that the petitioner in compliance of aforesaid order has been examined and doctor has confirmed medical condition of the petitioner.
3. Mr. Talwar, Advocate submits that respondent-Corporation has framed transfer policy dated 07.08.2023 and case of the petitioner is covered by said policy. As per policy, employees who are going to retire within two years i.e. up to 30.09.2025 would form a separate class and petitioner is going to retire in August 2025, thus, he falls under that category. The case of the petitioner would be reconsidered in the light of policy as well as physical condition of the petitioner. In the wake of physical condition, the case of the petitioner may fall out of the policy. The respondent would pass an appropriate order within 07 days considering policy as well as physical condition of the petitioner.
4. Mr. Chopra, Senior Advocate submits that respondents have not paid salary for the intervening period.
5. The present petition is confined to transfer, thus, the petitioner is at liberty to avail remedy qua his salary in accordance with law.
6. In the wake of statement of Mr. Talwar, the petition stands disposed of.

23.08.2023
anju

(JAGMOHAN BANSAL)
JUDGE

Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>