

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

Date of Decision : 29-08-2024

.....Petitioner

PUNJAB STATE ETC.

.....Respondent(s)

Present: Dr. Anmol Rattan Sidhu, Sr. Advocate
with Mr. Sanish Girdhar, Advocate and
Mr. Bhisham, Advocate
for the petitioner.

T.P.S Chawla, Sr. DAG Punjab.

HARSIMRAN SINGH SETHI, J. (Oral)

In the present petition, the grievance being raised by the petitioner is that keeping in view the instructions which have been issued by the Government of Punjab dated 24.04.1986, copy of which has been appended as Annexure P-1, the petitioner was entitled for appointment on compassionate grounds, which benefit has not been extended to the petitioner despite the fact that the petitioner is a fully eligible for the grant of the said release being physically-abled person.

Upon notice of motion, the respondents have filed reply. In their reply, the respondents have stated that keeping in view the promulgation of Persons with Disability Act, 1995 once, the vacancies have been reserved for the physically handicapped employee, the benefit of the instructions of the

year 1986 cannot be given to pick and choose the physically handicapped employee so as to grant the benefit of compassionate appointment especially when, the benefit of appointment can only be claimed by competing for the post which have been reserved for the physically disabled under the 1995 Act, after which date the instructions dated 24.04.1986 stand repealed.

I have heard learned counsel for the parties and have gone through the records of the present case with their able assistance.

It is clear that the intention behind the instructions, copy of which has been appended as Annexure P-1 dated 24.04.1986 is to rehabilitate the physically handicapped persons so that they can get appointment. Subsequent to the said instructions dated 24.04.1986, the 1995 Act has already been promulgated to grant the reservation in favour of specially abled candidates for the grant of appointment.

Once, the 1995 Act has already come into being and 1986 Instructions stands repealed, no benefit can be given to the petitioner so as to consider him for compassionate appointment under the 1986 instructions. The petitioner is free to compete for the post on the basis of the reservation provided under the 1995 Act.

Keeping in view the said factual position, no ground is made out for the grant of any relief to the petitioner on the basis of the instructions dated 24.04.1986 (Annexure P-1).

The petitioner can avail appropriate consideration for the post in question as and when advertised by claiming reservation for the physically handicapped employees as envisaged under the 1995 Act.

Further, the petitioner can pray for the grant of age relaxation, in case the petitioner is overage and the respondents are directed to consider

the said claim of the petitioner sympathetically in case, the same is permissible under the 1995 Act.

Hence, the present petition is dismissed.

Pending application, if any, also stands disposed of.

29-08-2024
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking: YES/NO
Whether reportable: YES/NO