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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-6888-2024
Date of Decision: 18.04.2024

Arvind Balyan

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. R.K. Makkad, Advocate with
Mr. Shiv C. Bhola, Advocate,
for the petitioner.

Mr. Samarth Sagar, Addl. AG., Haryana with
Ms. Dimple Jain, DAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of *mandamus* for directing the respondents to transfer and post the petitioner at Municipal Corporation, Ambala on the basis of the 85% physical and intellectual disabilities/impairment and to release arrears of salary w.e.f. June, 2022 along with interest and also to provide the reservation in promotion in Divyang Category to the petitioner as per his eligibility in terms of Notification (Annexures P-30 to P-32).
2. On the last date of hearing, the learned State counsel had sought some time to seek instructions in the present case.
3. Today, Mr. Samarth Sagar, learned Addl. A.G., Haryana has

stated that he has received instructions from the concerned authorities and also from Mr. Ramesh Kumar, Superintendent, Urban Local Bodies, Haryana, who is present in Court today to state that considering the physical disability of the petitioner which is to the extent of 85%, the respondents are not averse to posting the petitioner at Municipal Corporation, Ambala and there is no objection with regard to the same. He submitted that however since the petitioner was transferred on 30.06.2022 from Municipal Corporation, Panipat to Bhiwani and thereafter, he was transferred to Jhajjar but the petitioner did not join because of his physical disability compulsion and so far as the grant of salary etc. for that period is concerned, the respondents will pass a detailed speaking order in accordance with law and also by taking a lenient and sympathetic view in this regard within a period of one month from today.

4. Learned counsel appearing on behalf of the petitioner submitted that so far as the transfer of the petitioner to Municipal Corporation, Ambala is concerned, in case, the same is done then he undertakes to join at Municipal Corporation, Ambala as early as possible and so far as grant of his salary and other benefits for the period when he did not join duties for long period of time is concerned, he will be permitted to supply all the necessary documents including the medical certificates etc. to the concerned authority so that the same can be considered before passing of the speaking order.

5. In view of the aforesaid factual position and also in view of the statement made by learned Addl. A.G., Haryana, it is directed that the petitioner shall now be transferred to Municipal Corporation, Ambala

forthwith and since the learned counsel for the petitioner has undertaken on the basis of the instructions from the petitioner that he will forthwith join the Municipal Corporation, Ambala, it is expected that he will join as soon as possible. So far as the second plea of the petitioner with regard to the payment of salary etc. for the period he did not join the post and did not work is concerned, since the learned State Counsel has already stated that a speaking order will be passed in this regard in accordance with law by taking a lenient and sympathetic view, it is expected that the order shall be passed within a period of one month from today and the petitioner shall also be at liberty to provide all his documents pertaining to his medical certificates etc. to the concerned authority who is to pass the speaking order.

6. So far as the prayer of the petitioner with regard to the salary for the period June, 2022 when he actually worked at Municipal Corporation, Panipat is concerned, to which the learned State Counsel has stated that this period of one month to which he actually worked, the same will be released to the petitioner after checking the same from the record.

7. Disposed of in the aforesaid terms.

18.04.2024
Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |