

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

115

CWP-7463-2024 (O&M)
Date of decision: 03.04.2024

Avtar Singh
....Petitioner
Versus
State of Punjab and Others
...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Vivek Chauhan, Advocate for the petitioner

AMAN CHAUDHARY. J. (ORAL)

1. The present Civil Writ Petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents, especially respondent No.3 to comply with the provisions of The Persons with Disabilities Act, 1995.
2. Learned counsel contends that the petitioner, who is 50% disabled, working as Senior Superintendent Grade-II and his date of retirement is not being considered as 60 years in terms of provisions of The Persons with Disabilities (Equal opportunities, Protection of Rights and Full Participation) Act, 1995 as well as Rule 3.27 of Part-I Volume-I of Punjab Civil Services Rules. In this regard, there are recommendations also made in his favour by respondent Nos.2 and 3 vide letters dated 18.01.2024 and 13.02.2024, Annexure P-6 and P-7 respectively. He has also submitted a representation dated 12.01.2024, Annexure P-5, which has yet not evoked any response. He thus, at this stage, on instructions, submits that the petitioner is sanguine of it being considered in a positive manner, in case, a direction is given to respondent No.3 to decide the same in a time bound manner by granting him an opportunity of hearing.

3. Notice of motion.
4. At the asking of the Court, Mr. Manipal Singh Atwal, DAG Punjab accepts notice on behalf of the respondent-State and has no objection to the limited prayer made.
5. In view of the aforesaid and without commenting upon the merits of the case, this petition is hereby disposed of with a direction to respondents to consider and decide the representation dated 12.01.2024, Annexure P-5, taking note of the recommendations Annexure P-6 and P-7 within a period of 4 weeks and if found entitled, necessary benefits be granted to the petitioner forthwith. However, in the eventuality of the relief being denied, a speaking order be passed, after associating him therewith.

(AMAN CHAUDHARY)
JUDGE

03.04.2024
M.Kamra

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