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

CWP-8446-2024

Date of Decision: 18.04.2024

Vikram Singh

.....Petitioner

Versus

Uttar Haryana Bijli Vitran Nigam Ltd. and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

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

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 *certiorari* for quashing the impugned order dated 18.10.2023 (Annexure P-4) passed by respondent No.5 vide which the petitioner was assigned all General Service Connection (Field Work) ignoring the earlier order and his disability with further prayer for issuance of a writ in the nature of *mandamus* directing the respondents to assign the officer duty as recommended by the medical authority and keeping in view the earlier order dated 27.07.2018 (Annexure P-3) passed by respondent No.2 and also for directing the respondents to decide his representation dated 21.11.2023 (Annexure P-11).

2. Learned counsel for the petitioner submitted that the petitioner was appointed as Assistant Lineman in the respondent-Nigam on 21.05.2010 and was promoted as Lineman on 27.05.2015. Thereafter, the petitioner was further promoted as AFM and Junior Engineer. He further submitted that during the course of employment, the petitioner met with an accident and

suffered paralytic disability, which was diagnosed as Locomotors disability to the extent of 76% permanent disability. He submitted that vide order dated 18.10.2023, respondent No.5 assigned field duty to the petitioner without considering the fact that he is having 76% permanent disability, which requires a lot of movement and standing. He further submitted that a representation was issued by the petitioner to the respondent-Nigam on 21.11.2023 (Annexure P-11), but neither the representation has been replied to nor any action has been taken in the said regard. He submitted that at this stage, the petitioner confines the scope of the present petition only to the extent that necessary direction may be issued to the respondent-Nigam to consider and decide his representation (Annexure P-11) made by him in accordance with law within a time bound manner.

3. Notice of motion.

4. On the asking of Court, Mr. Samarth Sagar, Addl. AG, Haryana, who is present in Court, accepts notice on behalf of all the respondents and stated that he has no objection, in case, a direction is issued to the respondents for considering and deciding the representation (Annexure P-11) made by the petitioner in accordance with law and within a time framework.

5. In view of the aforesaid position, without calling for the reply from the respondents and without observing anything on the merits of the case, the present petition is disposed of with a direction to the respondent No.3-Superintending Engineer/Admn., UHBVNL, Panchkula to consider and decide the representation made by the petitioner vide Annexure P-11 on 21.11.2023 strictly in accordance with law and in the light of the Rights of

Persons with Disabilities Act, 2016 by passing a well-reasoned speaking order within a period of three months from today.

18.04.2024

(JASGURPREET SINGH PURI)

JUDGE

Bhumika

1. Whether speaking/reasoned:

2. Whether reportable:

Yes/No

Yes/No