

[109+274] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-6403-CWP-2024 in/and
CWP-10759-2023

Date of Decision : 22.04.2024

General Manager Haryana Roadways, Panchkula ...Petitioner

versus

The Commissioner for the persons with Disabilities,
Haryana Social Justice & Empowerment Department,
Sector 6, Panchkula and anotherRespondents

Coram : **HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present : Mr. Harish Nain, AAG, Haryana for the petitioner.
Mr. Sajjan Malik, Advocate for respondent No.2.

HARSIMRAN SINGH SETHI, J. (ORAL)

CM-6403-CWP-2024

Allowed, as prayed for.

CWP-10759-2023

[1] In the present petition, the challenge is to the order dated 18.10.2022 (Annexure P-3) passed by respondent No.1, holding that there is no need of fresh medical certificate to be obtained from PGIMS, Rohtak, so as to determine the percentage of physical disability being suffered by respondent No.2.

[2] Learned counsel for respondent No.2 on the other hand submits that he has no objection in getting himself medically examined from PGIMS, Rohtak but PGIMS, Rohtak has already stated that the

Civil Surgeon is the competent authority to grant the medical certificate so as to identify the percentage of disability being suffered by the respondent No.2.

[3] I have heard learned counsel for the parties and gone through the record with their able assistance.

[4] The only dispute in the present petition is that according to the petitioner-department, the percentage of disability being suffered by the respondent No.2 is to be adjudged by the PGIMS, Rohtak and the respondent No.2, is not averse in getting himself examined so as to assess the percentage of disability being suffered by him from PGIMS Rohtak, submits that PGIMS, Rohtak is not examining him.

[5] In the facts and circumstances of the present case, the appropriate authority of the PGIMS, Rohtak is directed that in case, the respondent No.2 appears before the competent authority for medical check-up, the same be done by a Board of Doctors so as to assess the percentage of disability being suffered by him and the said percentage of disability being suffered by him be informed to the General Manager, Haryana Roadways, Panchkula.

[6] The respondent will appear before the competent authority of the PGIMS, Rohtak on 06.05.2024 on which date, the respondent-employee will be examined by the Board of Directors of the PGIMS, Rohtak and the report be sent to the General Manager, Haryana Roadways, Panchkula. After getting the said report, appropriate decision be taken as to whether, the respondent No.2 is fit to drive the bus or

should be allowed to continue on the post of Yard Master on which post, he is already working.

[7] The present petition is disposed of with the above directions.

[8] Learned counsel appearing on behalf of the petitioner is requested to send the copy of this order to the competent authority of the PGIMS, Rohtak, for information and necessary action.

(HARSIMRAN SINGH SETHI)
JUDGE

22.04.2024
'R. Sharma'

<i>Whether speaking/ reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>