

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

227

CWP-28200-2018 (O&M)  
Date of decision: 01.03.2024

Gursewak Singh and Another  
.....Petitioners  
Versus  
State of Punjab and Others  
...Respondents

**CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY**  
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Present : Ms. Manveer Kaur, Advocate for  
Mr. J.S. Bhandohal, Advocate for the petitioners  
Mr. Charanpreet Singh, AAG Punjab  
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**AMAN CHAUDHARY. J.**

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 respondent Nos.1 to 3 to grant employment to petitioner No.1 on compassionate grounds in place of his father Surinder Singh, Junior Assistant.
2. Learned counsel submits that the petitioners are the son and wife of Surinder Singh, who was found by the Medical Board of PGIMER to be unfit to carry out his duties vide certificate dated 16.10.2015, Annexure P-1, on account of mental ailment. The said employee had rendered 31 years of unblemished service, was due to retire in the year 2024 and prematurely retired on 30.04.2018 on account of illness. The petitioners had claimed for their consideration on the basis of policy dated 30.04.2013 of the Government granting employment to the dependents of mentally disabled employees, for which representations, followed by a legal notice dated 02.03.2018, Annexure P-5 were submitted. He also places reliance on the judgment passed by this Court in **Smt. Roshni Devi vs. Haryana Vidyut Prasar Nigam** in CWP-5436-2009, decided on 06.03.2012. The relevant

portion thereof reads thus:

“The copy of this judgment is directed to be circulated to the Central Ministry of Social Justice & Empowerment as well as to the and State Co-ordination Committee constituted under the 1995 Act for them to issue appropriate guidelines to the Departments of Labour, Human Resources Development and the State Agencies dealing with empowerment of persons with disabilities that no employer shall terminate the services of an employee who has become mentally ill during the service, without due consideration of suitability of the employee to any other post and without properly counselling the employee about his rights. It is also further directed that wherever compassionate assistance scheme exists that contains provision for giving employment to any dependent to such employee, the employer shall counsel the dependent for appropriate application in that regard and adjust such dependent for suitable employment.”

3. Learned counsel thus, at this stage, on instructions, submits that the petitioners are sanguine of their case being re-considered in a positive manner in view of the aforesaid judgment, in case, a direction is given to the respondents to decide the same in a time bound manner by granting them an opportunity of hearing.

4. Learned State counsel 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 claim of the petitioners within 6 months, taking note of the legal notice dated 02.03.2018, Annexure P-5 as also the judgment referred to above and if found entitled, necessary benefits be granted to the petitioners forthwith. However, in the eventuality of the relief being denied, a speaking order be passed, after associating them therewith.

(AMAN CHAUDHARY)  
JUDGE

01.03.2024  
M.Kamra

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