

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

Sr. No.226

CWP-6894-2017

Date of decision : 05.02.2024

Baltej Singh

..... Petitioner

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. P.S. Khurana, Advocate, for the petitioner.

Mr. D.K. Singal, Addl. AG, Punjab.

AMAN CHAUDHARY, J. (Oral)

1. The present civil writ petition has been filed under Articles 226 of the Constitution of India for issuance of a writ in the nature of certiorari quashing the order dated 27.11.2015, whereby the claim of the petitioner for disability allowance was rejected by the respondent.

2. Learned counsel submits that the petitioner, being orthopedically handicapped, was appointed as PTI against a post reserved for physically challenged. As per the policy of the State Government dated 15.06.1982 conveyance allowance is to be paid to the handicapped employees. The initial amount payable of Rs.50/- was revised from time to time till the year 02.07.2012 when it was increased to Rs.600 per month. He prays at this stage, that respondents may consider his case and decide the same in terms of the policy.

3. Learned State counsel submits that the petitioner is not entitled to the benefit as he did not claim it during his service career. The medical certificate showing his disability as required in terms of the policy relied upon by him, was also not produced before the authorities. Thus, the same was rightly declined on this ground as well as it being belated, by passing a speaking order.

4. On this, the learned counsel, on instructions, submits that the petitioner is ready and willing to furnish the medical certificate as required and would demonstrate that he falls within the policy dated 15.06.1982, in case an opportunity is granted.

5. Indubitably, the petitioner was appointed against a post reserved for physically handicapped and the policy for grant of conveyance allowance had been framed by the government, considering the difficulties faced by visually impaired and orthopedically handicapped employees, who often require physical assistance for commuting to and from their workplaces, which is in line with those formulated by the Central Government. It, being a beneficial step, was therefore incumbent upon the Department to have by itself granted the benefit, without there to be any representation or an application submitted by the employee claiming the same. The release of the benefit would have been, but of course considering the requirements to be fulfilled by the employee. It is thus, that the submission of learned State counsel cannot be countenanced.

6. Though, the Department in its record would have the disability certificate available, still the petitioner being willing to furnish the same for consideration of his entitlement to receive the benefit, is directed to produce the same within a period of two weeks, whereafter, the respondents would

decide his claim within a period of four weeks, in terms of the policy and if found entitled, release the amount forthwith.

7. The present petition stands disposed of accordingly.

(AMAN CHAUDHARY)
JUDGE

05.02.2024

Ramandeep Singh

Whether speaking / reasoned

Yes/No

Whether Reportable

Yes/No