

116	(I)	CWP-2563-2026
		Date of Decision : April 09, 2026
BHAJAN SINGH		-PETITIONER
		V/S
STATE OF PUNJAB AND OTHERS		-RESPONDENTS
	(II)	CWP-3345-2026
VIJAY KUMAR		-PETITIONER
		V/S
STATE OF PUNJAB AND OTHERS		-RESPONDENTS

Present: Mr. Rajinder Kumar Mathur, Advocate, and
Mr. Rajeew Kumar Chauhan, Advocate
for the petitioner (in CWP-2563-2026).

Mr. H.S. Saini, Advocate
for the petitioner (in CWP-3345-2026).

Mr. Tejinder Pal Singh Walia, A.A.G., Punjab.

Mr. Avinit Avasthi, Advocate
for the respondent No.5- P.G.I.M.E.R.

KULDEEP TIWARI, J. (ORAL)

- DEVINDER YADAV
2026.04.10 09:55
I attest to the accuracy and
authenticity of this
order/judgment

resulting in a fracture to his left leg. The Board of Doctors concerned declared him to be 40% permanently disabled. On account of his disability, he received various benefits from the respondent-department, including disability allowance.

3. Thereafter, in view of certain complaints concerning petitioner's co-disabled employees, the petitioner's disability, along with that of others, was re-assessed by a Medical Board of four doctors constituted by the Punjab Government. Upon such re-assessment, the petitioner's disability was recorded as 6%. Consequent thereto, the respondent-department issued a show cause notice dated 17.12.2025, stating that the petitioner had obtained benefits under the handicapped quota by unfair means. The petitioner submitted his reply, and upon consideration thereof, the respondent-department, vide order dated 14.01.2026, decided to initiate action against him on the ground that his disability percentage was less than 40% as per the Rights of Persons with Disabilities Act, 2016 (hereinafter referred to as "the Act of 2016"). It was further directed that the benefits obtained by him on the basis of benchmark disability be recovered, an FIR be registered, and disciplinary action be initiated in accordance with Section 91 of the Act of 2016.

4. In this way, deriving grievance from the order dated 14.01.2026, the petitioner has assailed the same by filing the instant writ petition.

5. During the initial hearing, learned counsel for the petitioner submitted that, although the petitioner's disability had been assessed at 40% by the Civil Surgeon, Patiala, he was willing to undergo re-assessment by any independent medical institution, including P.G.I.M.E.R., Chandigarh.

Accordingly, this Court, vide order dated 05.02.2026, directed the petitioner to appear before the Medical Superintendent, P.G.I.M.E.R., Chandigarh, on 13.02.2026, who shall refer him to the Board for examination.

6. In compliance with the order dated 05.02.2026, petitioner-Bhajan Singh appeared before the Permanent Medical Disability Board constituted by P.G.I.M.E.R., and his disability was assessed at 53%. It is also pertinent to record here that, pursuant to a similar interim order as the one dated 05.02.2026, the petitioner Vijay Kumar likewise appeared before the said Permanent Medical Disability Board, and his disability was assessed at 72%. In light of these fresh medical assessments, this Court passed the following order on 26.02.2026:-

“1. In compliance with the directions issued by this Court, the petitioners appeared before the Permanent Medical Disability Board constituted by the respondent No.5- P.G.I.M.E.R. Learned counsel appearing on behalf of the respondent No.5 has produced the separate assessment reports of the Permanent Medical Disability Board in sealed covers, which have been opened in Court and are taken on record.

2. perusal of the respective assessment reports reveals that petitioner- Bhajan Singh has been assessed to have suffered 53% disability, whereas petitioner- Vijay Kumar has been assessed to have suffered 72% disability.

3. In view of the supervening circumstances, learned State counsel seeks an adjournment, thereby enabling him to have appropriate instructions from the quarter concerned.

4. List on 13.03.2026, in the urgent list.

5. In the meantime, the respondents concerned are restrained from initiating any criminal proceedings against the petitioners.

6. Registry is directed to furnish photocopies of the assessment reports to the office of the Advocate General, Punjab, thereby enabling the latter to have appropriate instructions.

7. A photocopy of this order be placed on file of connected case.”

7. Today, learned State counsel has filed an affidavit dated 08.04.2026, sworn by Mr. Ravi Bhagat, IAS, Secretary to the Government of Punjab, Department of Public Works (B&R) Branch, Chandigarh, which is taken on record. The affidavit states that, out of a total of 128 officials appointed/promoted on the basis of disability certificates, 65 have undergone re-assessment of disability. Out of these, 55 officials were assessed with disabilities above 40%, while the remaining 10 were assessed below 40%. The re-assessment of 63 officials is still pending.

8. Learned State counsel submits that, in view of the material discrepancy between the petitioner's earlier assessed disability of 6% and the 53% disability assessed by the Medical Board constituted by P.G.I.M.E.R., the respondent-department is contemplating constituting a fresh Medical Board consisting of experts across all fields to evaluate all kinds of disabilities.

9. In the considered view of this Court, since the disability of the present petitioners has already been re-assessed by the Permanent Medical Disability Board, P.G.I.M.E.R., and reported above 40%, no further re-assessment of the petitioners is necessary. However, the respondent-department may constitute a fresh and separate Medical Board to reassess the disability of all remaining officials.

10. Accordingly, the **impugned order is set aside**. The respondent-department is directed to reconsider cases of the petitioners in light of their disability, as re-assessed by the Permanent Medical Disability Board, P.G.I.M.E.R., and thereafter pass a fresh order, after affording the petitioners an opportunity of personal hearing. This exercise shall be completed within 30 days from the receipt of a certified copy of this order.

- 11.Both these writ petitions stand disposed of accordingly.
- 12.A photocopy of this order be placed on file of connected case.

April 09, 2026
devinder

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No