

CWP-5456-2001 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-5456-2001 (O&M)
Date of Decision: 14.05.2026

Sukhwinder Kaur

...Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. Dinesh Kumar, Advocate, and
Mr. Dharam Jit, Advocate for the petitioner

Mr. Amit Sahni, Additional Advocate General, Haryana

TRIBHUVAN DAHIYA, J. (Oral)

The petition has been filed *inter alia* seeking a writ of *certiorari* quashing the order dated 22.02.2001, Annexure P-6, to the extent it restricts grant of conveyance allowance to the petitioner from 02.02.2001, instead of 05.02.1994, the date she joined the service, as also the instructions dated 15.02.1984, Annexure P-9.

2. It is contended that the petitioner was initially appointed as S.S. Teacher/Mistress on *ad hoc* basis on 02.02.1994, Annexure P-1, and joined the service on 05.02.1994. The appointment was a stop-gap arrangement in regular scale of pay up to 21.05.1994. However, the petitioner continued working as such without any break, and was regularised vide order dated 21.01.2000, Annexure P-3, against a post reserved for the Physically Handicapped employees in the pay grade of ₹1400-2600 (pre-revised) plus allowances, as sanctioned by the government from time to time, with effect from 02.02.1994.



She was seventy per cent permanently disabled, as apparent from the Medical Certificate issued to her by the competent authority dated 16.07.1989, Annexure P-4. Accordingly, she claimed handicapped/conveyance allowance also by submitting an application dated 19.05.2000, Annexure P-5. Considering the same, the Department granted the allowance only with effect from 02.02.2001, vide the impugned order. It is further contended that having been regularised in service with effect from 02.02.1994, she was entitled to the allowance from the date of appointment itself, especially when it was not in dispute that she had been suffering from permanent disability prior to joining the service and had been appointed against the quota of posts reserved for the physically challenged.

3. *Per contra*, learned State counsel contended that the Allowance was admissible to the petitioner only from the date recommendation for the purpose was received from the concerned medical authority by the Head of the Department, in terms of instructions dated 10.09.1982 and 15.02.1984, Annexures R-1 and R-2, respectively. The petitioner's case for grant of conveyance allowance was received in the Department on 02.02.2001 for the first time. Accordingly, it was granted to her from that date.

4. Submissions made by learned counsel for the parties have been considered.

5. As apparent, the petitioner was suffering from permanent disability of seventy per cent prior to joining service as S.S. Mistress on 05.02.1994, and was later regularised from that date vide order dated 21.01.2000. The conveyance allowance, however, was given to her with effect



from 02.02.2001, on the ground that recommendation for the purpose had been received from the concerned authority on that date. The instructions dated 10.09.1982 and 15.02.1984, have been relied upon by the respondents to justify the action. The first instruction is to the effect that *‘An orthopaedically handicapped employee will be eligible for conveyance allowance only if he or she has a minimum 40% permanent partial disability of both the upper and lower extremity deformities.’* The second instruction, dated 15.02.1984, has been issued with reference to the first instructions and stipulates that *‘conveyance allowance may be granted with effect from the date of recommendation for the grant of the concerned medical authority is received by the Head of Departments. However, in the case of existing employees on 1.1.1981, allowance may be granted with effect from 1st January 1981.’* The petitioner’s case has been considered with reference to the first stipulation, that is, from the date of receiving the recommendation, because she was not in service on 01.01.1981.

6. The contention on behalf of the petitioner is that the instructions, dated 15.02.1984, are arbitrary inasmuch as the same do not grant the allowance from the date of joining service, and/or suffering the disability. Apparently, these instructions made the allowance admissible to the employees who were in service as on 01.01.1981, with effect from that date without making it dependent upon the date of receipt of recommendation for the purpose from the concerned medical authority. It means merely being in service on the said date was considered sufficient to entitle an employee to the allowance *dehors* the date of receiving the recommendation. There is no explanation coming forth on



behalf of the respondents as to why the employees who later joined the service, like the petitioner, have been treated differently and in their case the conveyance allowance has been made admissible only from the date of receipt of recommendation of the concerned medical authority. Receiving of recommendation by the Head of Department is a fortuitous circumstance, and entitlement to the allowance itself cannot be made dependent upon such an eventuality. Also, it is not the respondents' case that the date of entitlement to the allowance is to be decided based upon the opinion of the concerned medical authority and/or in terms therewith. The stipulation is therefore irrational and discriminatory *qua* the employees who joined the service after 01.01.1981. Accordingly, the benefit of conveyance allowance to the petitioner from the date of her joining the service, 05.02.1994, cannot be denied in the light of the fact that she was suffering from permanent disability on that date, and there was due recommendation for grant of the allowance to her by the competent medical authority.

7. In view thereof, the petition is allowed. The impugned order, dated 22.02.2001, is hereby set aside to the extent it declines conveyance allowance to the petitioner from the date of joining the service, as also the instructions, dated 15.02.1984, to the extent it allows the benefit to the employees from the date of receipt of recommendation of the concerned medical authority. The respondents are directed to release the arrears of conveyance allowance to the petitioner at the rate admissible in terms of the instructions dated 15.02.1984, from 05.02.1994 to 01.02.2001, with interest at the rate of six per cent per

annum from the due date to the date of actual payment. These directions shall be carried out within four weeks of receiving a certified copy of the order.

8. Pending miscellaneous application(s), if any, also stand(s) disposed of.

(TRIBHUVAN DAHIYA)
JUDGE

14.05.2026
Payal

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No