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

(213) **CWP-53-2021**
Date of Decision : March 23, 2026

Union of India and others **.. Petitioners**

Versus

Parshotam Singh and another **.. Respondents**

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Anil Chawla, Senior Panel Counsel, for the petitioners.

Mr. M.K. Dogra, Advocate, for respondent No.1.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the challenge is to the order dated 13.03.2020 (Annexure P-3) passed by respondent No.2- Central Administrative Tribunal, Chandigarh Bench, Chandigarh (hereinafter referred to as 'the Tribunal') by which, the benefit of the Notification dated 17.01.2017 for grant of transport allowance at double the normal rate has been extended to respondent No.1 from the date the said Notification has been made operative i.e. 19.02.2014.

2. Learned counsel for the petitioners argues that the certificate of disability, copy of which has been appended as Annexure A-6, the disability has been assessed at 75%, which certificate is dated 25.04.2017 and therefore, granting the benefit of allowance (travel) at double the rate from a date prior to the date of issuance of certificate, by the Tribunal is incorrect and therefore, the said benefit granted may kindly be set aside so as to direct that said benefit will only be admissible from the date the disability was noticed i.e. 25.04.2017.

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

4. It may be noticed that prior to year 2017, vide disability certificate dated 23.04.2007, the disability has already been assessed by the Government Multi-Specialty Hospital, Sector-16, Chandigarh wherein, the said disability has been assessed and proved to be 90%. Once, the said certificate was already there with the authorities, the argument that the benefit should be given from the date of fresh certificate, cannot be accepted. Once the disability was assessed by a recognized hospital i.e. a renowned hospital of Government Multi-Specialty Hospital of Sector 16, Chandigarh wherein, the disability has been assessed at 90%, the same cannot be ignored at the asking of the petitioners so as to deny him the benefit as admissible under letter dated 17.01.2017 especially when the same has been made operative from 19.02.2014 especially when certificate dated 23.04.2007 proving the disability exists on 19.02.2014.

5. Further, it may be noticed that the hearing impairment has been defined under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. The definition is as under:-

> “ *l."hearing impairment" means loss of sixty decibels or more in the better ear in the conversational range of frequencies; m. "institution for persons with disabilities" means an institution for the reception, care, protection, education, training, rehabilitation or any other service of persons with disabilities; n. "leprosy cured person" means any person who has been cured of leprosy but is suffering from-*
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> *i. loss of sensation in hands or feet as well as loss of sensation and paresis in the eye and eye-lid but with no manifest*

deformity;

ii. manifest deformity and paresis but having sufficient mobility in their hands and feet to enable them to engage in normal economic activity;

iii. Extreme physical deformity as well as advanced age which prevents him from undertaking any gainful occupation,

and the expression "leprosy cured" shall be construed accordingly;''

6. It may be noticed that the requirement of getting benefit of double the travel allowance under the Notification dated 17.01.2017 was that the claimant is suffering from hearing loss of 60 decibels or more whereas, in the year 2007, the disability suffered by claimant herein was assessed @ 90% which clearly shows that respondent No.1 was within the entitlement to get benefit vide said Notification.

7. It may be noticed that said aspect was brought to the notice by the petitioners even when the Notification dated 17.01.2017 was issued. That being so, the order dated 13.03.2020 (Annexure P-3) passed by the Tribunal granting relief from the date of the applicability of the letter dated 17.01.2017 i.e. from the year 2014, cannot be treated as perverse either on facts or on law. No ground is made out for any interference by this Court in the facts and circumstances of the present case.

8. Accordingly, the writ petition is dismissed.

9. Civil miscellaneous application pending if any, also stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

March 23, 2026 **(VIKAS SURI)**
harsha **JUDGE**

Whether speaking/reasoned : Yes
Whether reportable : No