

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 3087 of 2011

Ritesh Sinha son of Sh. Rabindra Narain Sinha, aged 36 years,
Resident of H. No. 1122, New Housing Board, Karnal (Haryana).

.....Petitioner(s)

Versus

1. State of Haryana through its Chief Secretary.
2. The Hon'ble High Court of Punjab and Haryana at Chandigarh through its Registrar General.
3. The District and Session Judge, Karnal.

.....Respondent(s)

Civil Writ Petition under Article 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the impugned order dated 05.02.2011 passed by the respondent no. 3 vide which the service of the petitioner a 100% disable has been terminated arbitrarily as the petitioner's services who was appointed as a Clerk against the reserved post for the disable has been terminated just by passing a non speaking

order whereas the other non disable persons who were appointed along with the petitioner are still working with the respondent no. 3 and thus the action taken by the respondent in terminating the service of the petitioner is violative of the Article 14 & 21 of the Constitution of the India and also in violation of the provisions of Disability Act, 1995.

Further for directions to issue a writ of mandamus directing the respondents to take back the petitioner in service from the date he was removed / terminated i.e. 05.02.2011 with all consequential benefits.

Or to issue any other appropriate writ, order or directions which this Hon'ble High Court may deem fit and proper under the peculiar circumstances of this case in favour of the petitioner.

Respectfully States :-

CWP No. 3087 of 2011

Present: Ms. Veena Kumari, Advocate for the petitioner

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Notice of Motion

Mr. R.S. Kundu, learned Additional Advocate General, Haryana, accepts notice on behalf of respondent Nos. 1 & 3, to whom two copies of the writ petition have been handed over by learned counsel for the petitioner.

Let respondent No. 2 be served for the date fixed.

The petitioner is a physically challenged person who successfully competed and was appointed as a Clerk by the learned District and Sessions Judge, Karnal against the post reserved for Physically Disabled persons.

Notwithstanding the fact that due to the nature of disability the petitioner cannot write with his own hand and was statedly provided assistance of a 'writer' in the examination conducted for the selection of the subject posts, his services have been terminated apparently due to his inability to perform the duties as a Clerk who is expected to write the office notes / maintain records in his own hands. The petitioner is not only Post Graduate in Information Technology with various additional distinguished qualifications, he is well conversant with the computer operations also. There can be plenty of

work to be done on computers in a Sessions Division, like preparation of 'daily cause lists' of all the Courts, certified copies of the judgments / order etc., which can be conveniently assigned to a computer savvy like the petitioner.

Listed on 10.5.2011

Meanwhile, operation of the impugned order dated 5.2.2011 (Annexure P-11) shall remain stayed. Respondent No. 3 is directed to reinstate the petitioner in service forthwith all the continuity benefits.

Respondent No. 3, the Deputy Commissioner, Karnal as well as the Superintending Engineer, P.W.D. (B&R), Karnal are directed to immediately constructed a ramp / smooth slope to ensure that the petitioner can enter his office room on wheel chair at his own without the aid of others. If any dismantling is required for this purpose, the same shall also be done.

A compliance report in this regard be submitted on the date fixed.

All concerned to see that a congenial atmosphere is created at the work place so that the petitioner feels himself as an integral part of the mainstream.

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Let a copy of this order under the signatures of the Bench Secretary be supplied free of cost to the learned Counsel for the parties during the course of day for information and necessary compliance.

21.02.2011

Sd/-
(Surya Kant)
Judge