
(1999) 08 SC CK 0114
In the Supreme Court Of India
Case No : Civil Appeal No. 4425 Of 1999

Lal Chand

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 11-08-1999

Acts Referred:

Citation : (1999) 2 LLJ 1406 : (1999) 6 SCC 760 : (1999) SCC(L&S) 1214

Hon'ble Judges : S. Saghir Ahmad, J;R. P. Sethi, J

Bench : Division Bench

Final Decision : Disposed Of

Judgement

S. Saghir Ahmad, J.—Leave granted.

2. We have heard learned counsel for the appellant who was working as a driver in the Haryana Roadways. He was retired from service on medical grounds by order dated August 12, 1997 as he was declared by the Medical Board to be unfit to perform even light duty. Compensation in the sum of Rs. 89,000 was paid to the appellant for the balance of his . service period.

3. Subsequently the appellant filed a writ petition in the Punjab and Haryana High Court claiming that since he was declared medically unfit even to do light duty work, his son may be given employment in terms of the policy contained in the circular dated November 23, 1992 issued by the Haryana Government. This petition was dismissed on March 2, 1998 on the basis of the decision of this Court in Anand Bihari and others Vs. Rajasthan State Road Transport Corporation, Jaipur and another, .

4. Learned counsel for the appellant has contended that in addition to the benefit which was made available to him at the time of, retirement, he is also entitled to the benefit of' employment being provided to one of his sons in Government service in terms of the aforesaid policy of 1992. The respondents who have filed a counter-affidavit has denied that the appellant was declared blind or disabled (nakara) and that he was not entitled to the benefit of employment being

provided to one of the sons.

5. Blindness contemplates total disability. The word "nakara" which follows the word "blind" in the notification, has also to be understood in that sense. "Nakara" which is a Hindi word and has been shown in brackets has been used to explain the extent of disability of the employee concerned. It envisages that the employee on account of debility resulting from . illness or other factors has become useless as a Government servant and has completely and totally outlived his utility. The expression has been used to describe the extent of infirmity and disability as the word "nakara" means "of no use".

6. The medical certificate submitted by the appellant, on the basis of which he claims that he has become "nakara " does not advance his case as the certificate shows that he cannot do light duty. The certificate is wholly vague. In any case, it does not categories the appellant as "nakara " or "of no use". If a person can pick up files from one table in the office and place them on the other, he cannot be categorised as "nakara". So also, if he can fetch a glass of water for his thirsty colleagues or other officials, he cannot be treated as "nakara". The disability, as explained above, should have been total and complete.

7. The policy of 1992 envisages an extreme case of blindness, or a person becoming absolutely unfit for a Government job. The unfitness has to be as disabling as blindness. Admittedly, the appellant has not been declared blind. He has been found unfit for light duty, but is not described as disabled (nakara). That being so, the appeal is dismissed.