
(2014) 07 P&H CK 0722
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 5202 of 2012

Naresh Kumar

APPELLANT

Vs

PSPCL

RESPONDENT

Date of Decision : 04-07-2014

Acts Referred:

Citation : (2014) 07 P&H CK 0722

Hon'ble Judges : Sabina, J

Bench : Single Bench

Advocate : Padamkant Dwivedi, Advocate for the Appellant; Vikas Chatrath, Advocate for the Respondent

Final Decision : Dismissed

Judgement

Sabina, J.—Petitioner has filed this petition seeking a direction to the respondents to consider him for appointment to the post of Lineman under the Physically Handicapped category on contract basis in pursuance to the advertisement Annexure P-5.

2. Case of the petitioner, in brief, is that he was a physically handicapped person with 44% disability. Five thousand posts of Lineman had been advertised by the respondents. Out of the said posts, 128 posts were reserved for the candidates under the Physically Handicapped category. Petitioner applied for the said post under the reserved category of Physically Handicapped. However, petitioner had not been issued the appointment letter. Hence, the present writ petition. Learned counsel for the petitioner has submitted that petitioner was suffering 44% physical disability due to shortening of left leg by two inches with stiffness of ankle joint. Petitioner was capable of performing the duties of Lineman and the respondents were liable to be directed to appoint the petitioner as a Lineman.

3. Learned counsel for the respondents, on the other hand, has opposed the petition and has submitted that the petitioner was unable to perform the duties attached to the post of Lineman.

4. Para two of the written statement on merits reads as under:-

That the contents of para No. 2 are denied for want of knowledge regarding the financial status of the petitioner. It is denied that the petitioner fulfilled the qualifications for the post of Lineman as is actually projected in the petition wherein he wants his claim to be considered under the physically handicapped quota. It is relevant to mention herein that the post of the Lineman is such which requires lot of physical labour including climbing on the poles to maintain the uninterrupted supply of power etc. in the air since the disability on the part of leg, ankle etc. can become an impediment in performing work efficiently and there is also risk to the said employee, in case he is appointed on the same, whereas disability of partial deafness etc. would not affect the efficiency to that level and would also help in promoting and achieving the objects as laid down in the Constitution of India. Thus, there is no occasion for the petitioner of feeling aggrieved.

5. Thus, in the present case, petitioner was not appointed as a Linemen as he was unable to perform the duties of a Lineman due to disability suffered by him. Petitioner due to his disability would not be able to perform his duties efficiently as the post required lot of physical labour and there would be risk to him also. In these circumstances, no ground for interference is made out.

6. Dismissed.