

CWP No.5557 of 2015

Date of Decision: 15.12.2016

Abhey Ram Sharma

..... Petitioner(s)

Versus

State of Haryana and others

..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Ms. Rimple Kadyan, Advocate
for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

ANUPINDER SINGH GREWAL J. (ORAL)

The petitioner has sought a direction to the respondents to grant him same pay scale w.e.f. 07.07.2014 as is being given to other similarly situated Beldars, who were regularized vide order dated 01.09.2014.

The petitioner was employed as a Beldar on daily wages by the respondents w.e.f. 20.12.1999. On 16.08.2007, when he was performing his duty as beldar, he was bitten by a snake as a result of which his left leg below the knee had to be amputated. He suffered permanent disability which was assessed at 70% by the Medical Board of Civil Hospital, Jind on 13.03.2013. The petitioner along with other similarly situated beldars was considered for regularization by the respondents and his services were regularized w.e.f. 01.09.2014. The respondents have denied him the regular pay scale with effect from the date of regularization on the ground that he had not submitted his medical fitness certificate for job.

Indisputably, the petitioner had suffered disability while he was in employment by the respondents and his permanent disability to the extent of 70% has not been doubted by the respondents. The petitioner had also given in writing to the respondents that he has no objection to appear before the Medical Board as is evident from perusal of his request dated 04.04.2016 (Annexure P-8). Therefore, the respondents cannot deny the regular pay scale to the petitioner after his services have been regularized w.e.f. 07.07.2014.

Consequently, the petition is allowed and the respondents are directed to pay the regular pay scale to the petitioner w.e.f. 07.07.2014. The consequential benefits shall be disbursed to the petitioner within a period of three months from the date of receipt of certified copy of this order.

The petition stands disposed of accordingly.

December 15, 2016
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(ANUPINDER SINGH GREWAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No