

From

The Chief Administrator,
Haryana Urban Development Authority,
Sector-6, Panchkula.

To

1. All the Administrator(s), HUDA, in the State.
2. All the Estate Officer(s), HUDA, in the State.

Memo No. A-4-UB-2014/ 23532 Dated:- 26/8/14

Subject: Policy framed u/s 43 of the Persons with disabilities Act, 1995 - Amendment thereof.

This is in continuation of this office memo no. A-PWM-2009/UB-II/21403-25 dated 11.06.2009 on the subject cited above.

In CWP No. 3199 of 2008 titled as Handicapped Welfare Group Housing Society Ltd. Panchkula Vs. State of Haryana, the Hon'ble High Court vide order dated 21.01.2009 directed the respondents i.e. the State of Haryana and HUDA to formulate an appropriate scheme U/S 43 of the Persons with Disabilities (Equal Opportunities, Protection in Rights and Full Participation) Act, 1995. In compliance of these directions, the policy guidelines were formulated and circulated on 11.06.2009 with the approval of Authority. As per this policy, the benefit is admissible only to those domiciles of Haryana who are suffering with 70% or above disability.

Sh. N.S. Bhinder, Advocate filed a Civil Writ Petition No. 278 of 2014, challenging the said policy with the prayer that Section 2 (t) of the Persons with Disabilities (Equal Opportunity, Protection of Rights and Full Participation) Act, 1995 prescribes that 'persons with disability means a person suffering from not less than 40% of any disability as certified by a Medical Authority', therefore the policy dated 11.06.2009 framed by HUDA is in derogation of the provisions of Persons with Disabilities Act, 1995 and deserves to be quashed. The Hon'ble High Court disposed of the writ petition vide orders dated 23.01.2014 with directions to the concerned authority to take a decision on merits on the representation of the petitioner by passing a speaking order in this regard within one month.

In compliance of directions of Hon'ble High Court it was decided to review the policy dated 11.6.2009 by a Committee constituted for the purpose. After deliberations, the Committee is of unanimous view that since the Disability Act, 1995 prescribes that "persons with disability means a person suffering from not less than 40% of any disability as certified by a Medical Authority", no rule of the policy shall be framed in contravention of that Act. Even the Govt. of Haryana vide instructions dated 01.01.1999 has fixed the quantum of disability to be 40% and above in Govt. jobs. Therefore the Committee constituted for the purpose recommends that the policy dated 11.06.2009 may be amended and disability limit may be kept as 40% or above instead of 70%. Rest of the conditions/ concessions of policy be kept intact.

Therefore, the matter was placed before the Authority in its 108th meeting held on 07.08.2014 with the proposal that the policy dated 11.06.2009 be amended and disability limit be kept 40% or above instead of 70%. Rest of the conditions/concessions of policy will remain the same. The Authority has accorded its approval. A copy of agenda item alongwith

extract of the proceedings of the meeting are sent herewith for information & necessary action. This will be made applicable with prospective effect.

You are therefore requested to take further action accordingly and action taken report may be sent to this office immediately.

DA/As above


24/8/14

(B.B.TANEJA)
Deputy Superintendent.(U.B.),
for Chief Administrator, HUDA

Endst. No. A-4-UB-2014/ 23533-39

Dated: 26/9/14

A copy of above is forwarded to the following for information and necessary action:

1. The Chief Controller of Finance, HUDA, Panchkula.
2. The Chief Engineer, HUDA, Panchkula.
3. The Chief Town Planner, HUDA, Panchkula.
4. The Legal Remembrancer, HUDA, Panchkula.
5. The Senior Architect, HUDA, Panchkula.
6. The Enforcement Officer, HUDA, Panchkula.
7. The Dy. ESA, HUDA, Panchkula.


24/8/14

(B.B.TANEJA)
Deputy Superintendent.(U.B.),
for Chief Administrator, HUDA