

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WP.No.10217 of 2013

ORDER :

Heard Party-in-Person, and Sri P. Mahender Reddy, learned Special Government Pleader, for respondents.

2. The petitioner has filed the Writ Petition challenging the inaction of respondents in not extending to him the Minimum Pay, Dearness Allowance, House Rent Allowance, City Compensatory Allowance, Increments and other benefits and seeks a direction to extend such benefits as per proceedings dt.17.01.2013 and 24.01.2013 of the 3rd respondent. He also sought relief of regularization of his service in the cadre of Junior Assistant in the 4th respondent-Corporation though there is no pleading in that regard in the affidavit filed in support of the Writ Petition.

3. The petitioner had earlier filed WP.No.6116 of 2009 seeking regularization of his services invoking provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. During the course of hearing of the said Writ Petition, on the basis of oral observations of the Court, the Managing Director of the said Corporation considered the petitioner's case vide proceedings dt.21.03.2009 and expressed his inability to regularize the service of petitioner on the ground that vacancies have to be filled up by following the procedure prescribed by issuing

notification or through employment exchange. The Court did not find fault with such stand of the Corporation. It however directed filling up of vacancies on regular basis by following the procedure.

4. It is not in dispute that subsequent thereto, a notification was issued in the year 2010 to fill up the posts of Junior Assistant, and in that notification it was specifically mentioned that for consideration for appointment to the said post, persons must possess a degree apart from Diploma in Computers and also Typewriting in English Higher Grade qualification.

5. The petitioner herein admittedly does not possess qualification of typewriting. Therefore, the Corporation appointed other persons in the quota earmarked for handicapped persons and the petitioner could not be appointed. Since this Court has not found it fit to direct regularization of the petitioner in WP.No.6116 of 2009, the petitioner cannot be granted the said relief in the present Writ Petition.

6. As regards the payment of Minimum Pay, Dearness Allowance, House Rent Allowance, City Compensatory Allowance, Increments and other benefits are concerned, having regard to the judgment rendered on 26.10.2016 in Civil Appeal No.213 of 2013 **State of Punjab and others v. Jagjit Singh and others**¹, the 4th respondent-Corporation, on the basis of the principle of 'Equal Pay for Equal Work' shall pay to petitioner within 8 weeks the Minimum of the Pay Scale admissible to Junior Assistants who are regularly appointed

¹ 2016 L.J. 1057

including handicapped allowance which the petitioner is entitled to by virtue of the disability suffered by him.

7. Therefore, the Writ Petition is disposed of with the above directions. No order as to costs.

8. As a sequel, miscellaneous petitions pending if any in this Writ Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 30-12-2016

Ndr/*

