

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.7440 OF 2016

Sudhir s/o. Sopanrao Tondchirkar,
Age : 37 years, Occ. Service,
R/o. Nayi Abadi, Udgir,
Tq. Udgir, Dist. Latur

..Petitioner

Vs.

1. The State of Maharashtra,
Through its Secretary,
Finance Department,
Mantralaya, Mumbai

2. Union of India,
Through its Secretary,
Finance Department,
New Delhi

3. The Joint Director,
Higher Education,
Nanded Region, Nanded

..Respondents

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Mr.Pradeep Deshmukh, Advocate instructed by
Mr.Y.P.Deshmukh, Advocate for petitioner

Mr.A.R.Borulkar, AGP for respondent nos.1 and 3

Mr.B.B.Kulkarni, Advocate for respondent no.2

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**CORAM : T.V. NALAWADE AND
SANGITRAO S. PATIL, JJ.
DATE : FEBRUARY 22, 2017**

ORAL JUDGMENT (Per T.V. Nalawade, J.) :

Rule, made returnable forthwith. With the consent of the learned Counsel for the parties, heard finally.

2. This petition is filed for giving directions to the respondents to see that the benefit of the policy decision taken by the Government vide its Resolution dated 10.08.2015 issued by the Finance Department, Government of Maharashtra, Mantralaya, Mumbai, in respect of the deaf and dumb employees for giving them conveyance allowance at a particular rate, is given to the persons like present petitioner who have hearing impairment.

3. It is the contention of the petitioner that his case cannot be differentiated from the persons who are deaf-and-dumb in view of the extent of disability of the petitioner and such employees who are having hearing impairment.

4. It appears that the petitioner had made a representation on 18.09.2015 to his employer/ College for grant of conveyance allowance as per the afore-said Government Resolution dated 10.08.2015. The employer of the petitioner had forwarded a proposal to respondent no.3 - Joint Director of Education, Nanded for grant of claim of the petitioner. However, respondent no.3 vide communication dated 26.10.2015, rejected the proposal. It is informed that the petitioner is having only hearing impairment and therefore, the benefits of the afore-said Government Resolution dated 10.08.2015 cannot be given to him.

5. The petitioner had made another notice/representation to the respondents on 06.10.2015, requesting to give the said benefits to the persons having hearing impairment.

6. We do not wish to go into the details and merits of the claim of the petitioner, but in our

view, the issue needs to be considered exhaustively by the respondents from all angles and the decision needs to be taken in respect of such persons. This Court, therefore, holds that the communication dated 26.10.2015 issued by respondent no.3 needs to be set aside and the respondents needs to be directed to consider the issue on its own merits. The notice/representation dated 06.10.2015 given by the petitioner to the respondents can be considered as a representation for all the persons/employees who are having hearing impairment

7. The communication dated 26.10.2015 issued by respondent no.3 is hereby set aside. The respondents are directed to consider the representation made by the petitioner dated 06.10.2015 in accordance with the provisions of law and to take a decision on the claim of the persons/employees like present petitioner who are claiming that they have hearing impairment. Such

decision be taken within a period of six months from today.

8. With these directions, the Writ Petition stands allowed. Rule made absolute in the above terms.

[SANGITRAO S. PATIL, J.]

[T.V. NALAWADE, J.]

kbp