

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.14495 of 2019

ORDER:

This writ petition is filed seeking the following relief :-

“ to issue a writ or order preferably in the nature of Writ Mandamus and after calling for records pertaining to the impugned order vide Proc.No.A2/ Estt/ 2019 to the extent of petitioner is concerned, dated 3.7.19 passed by the 1st Respondent and consequently declare the impugned order to the extent of cancellation of the posting of the Petitioner to the 3rd Respondent is concerned and further directing the petitioner to report to the 4th Respondent as illegal, arbitrary, contrary to law, unconstitutional and violative of Articles 12, 14, 16 and 21 of Constitution of India and contrary to the Rights of Persons with Disabilities Act, 2016 and Rules framed thereunder and consequently quash the same and declare that the petitioner is entitled to be retained at Zilla Praja Parishad, R.R.District, with all consequential benefits like seniority, pay protection, etc.....”.

Heard Dr. K.Lakshmi Narasimha, learned counsel for petitioner and Sri G.Narender Reddy, learned Standing Counsel for the 1st respondent.

It is the case of the petitioner that he is suffering from hearing impairment and speech disability, and he was appointed to the post of Junior Assistant in the backlog vacancy earmarked for physically challenged/disabled persons vide proceedings dated 07.10.2015. He was allotted to the Office of Chief Executive Officer, Zilla Praja Parishad, Ranga Reddy District, who in turn posted him to ZPPHS, Dharur, Ranga Reddy District, on 26.10.2015. As the petitioner is physically challenged, he submitted a representation to

the respondents requesting to post him in the vicinity of Hyderabad, so as to enable him to take regular treatment. Considering his request on humanitarian grounds, the respondents issued proceedings dated 11.02.2016 deputing him to MPP Saroomagar, Ranga Reddy District. However, while he was discharging his duties at Saroomagar, the respondents have issued the impugned proceedings dated 03.07.2019 cancelling his deputation and repatriating him to his original place of posting i.e., ZPPHS, Dharur, Ranga Reddy District. Aggrieved thereby, the petitioner has filed this writ petition.

Learned counsel for the petitioner submits that the petitioner was allotted to the Office of Chief Executive Officer, Zilla Praja Parishad, Ranga Reddy District, and originally posted to Dharur in Ranga Reddy District; and as per the request of the petitioner, he was deputed to Saroomagar MPP office, however, vide impugned proceedings he was sent back to work in ZPPHS, Dharur, Ranga Reddy District. He further submits that as the petitioner is a native of Ranga Reddy District and does not belong to Dharur, which is now falling under Vikarabad District, cancelling his deputation from Saroomagar vide impugned proceedings and posting him to Vikarabad region, is illegal and arbitrary.

Learned Standing Counsel appearing for the 1st respondent has submitted that the petitioner was posted to Dharur in Vikarabad District. When the petitioner was appointed, Vikarabad was forming part of R.R. District and since the first posting of the petitioner is Dharur in Vikarabad, the respondents have rightly issued the

impugned orders and repatriated him to Dharur, which is now forming part of Vikarabad District. However, the case of the petitioner would be considered as the petitioner is a physically challenged person, if the petitioner submits fresh representation.

This Court, having considered the rival submissions, is of the considered view that this writ petition can be disposed of directing the petitioner to submit a fresh representation to the 1st respondent within a period of two weeks from the date of receipt of a copy of this order. Upon such representation being received, the 1st respondent shall consider the same and pass appropriate orders, in accordance with law, by duly taking into account the fact that the petitioner is a physically challenged person, within a period of eight weeks thereafter.

With the above observations, the writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

Date: 18-07-2019
Prv

