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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Date of Decision: 22nd December, 2022*

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+ W.P.(C) 17587/2022 & C.M.APPL. 56190/2022

NARENDER SHARMA Petitioner

Through: Mr. Subhajit Dutta, Advocate
along with Petitioner in person.

versus

GOVERNMENT OF NCT OF
DELHI AND ANR.

..... Respondents

Through: Ms. Avnish Ahlawat, Standing
Counsel with Mr. N.K. Singh, Ms. Laavanya
Kaushik and Ms. Aliza Alam, Advocates for
R-1.

Mr. Abhay Kumar, Ms. Shagun Ruhil,
Advocates along with Mr. Amit Singh,
AGM for R-2.

64

+ W.P.(C) 17600/2022 & C.M.APPL. 56265/2022

NARESH KUMAR KAUSHIK Petitioner

Through: Mr. Subhajit Dutta, Advocate
along with Petitioner in person.

versus

STATE GOVT. OF NCT OF DELHI & ANR..... Respondents

Through: Ms. Avnish Ahlawat, Standing
Counsel with Mr. N.K. Singh, Ms. Laavanya
Kaushik and Ms. Aliza Alam, Advocates for
R-1.

Mr. Abhay Kumar, Ms. Shagun Ruhil,
Advocates along with Mr. Amit Singh,
AGM for R-2.

65

+ W.P.(C) 17605/2022 & C.M.APPL. 56270/2022

AKSHNEE KUMAR SHARMA Petitioner

Through: Mr. Subhajit Dutta, Advocate.

versus

GOVERNMENT OF NCT
OF DELHI AND ANR.

..... Respondents

Through: Ms. Avnish Ahlawat, Standing Counsel with Mr. N.K. Singh, Ms. Laavanya Kaushik and Ms. Aliza Alam, Advocates for R-1.

Mr. Abhay Kumar, Ms. Shagun Ruhil, Advocates along with Mr. Amit Singh, AGM for R-2.

CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH

JUDGEMENT

JYOTI SINGH, J. (ORAL)

1. Petitioners are employees of the erstwhile Delhi Electric Supply Undertaking and are currently employed with Tata Power Delhi Distribution Limited, a joint venture between the said company and the Government of NCT of Delhi.

2. The grievance ventilated by the Petitioners in the present petitions is that despite clear provisions under The Right of Persons with Disabilities Act, 1995 (PWD Act) and O.M. dated 20.11.1989, issued by DoPT, which is applicable to TPDDL/Respondent No. 2, introducing reservation in favour of Physically Handicapped Persons in posts filled by promotions, Petitioners have been deprived of the benefit of reservation.

3. The reliefs sought in the present writ petitions are as follows:

“A. Direct the respondents to consider and decide the petitioner's representation dated 19.01.2021, in the interest of Justice, and;

B. Direct the respondent no.2 to comply the Office Memorandum dated 20.11.1989 issued by Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training, Govt. of India vide No. 36035/8/89-Eastt.(SCT) and grant promotional benefits to the petitioner from the date of his appointment, in the interest of Justice.”

4. Learned counsel for the Petitioners in the three writ petitions at the outset submits that suffice would it be at this stage if a direction is issued to the Respondents to decide the pending representations of the Petitioners.
5. Issue notice.
6. Ms. Avnish Ahlawat, learned Standing Counsel accepts notice on behalf of Respondent No. 1.
7. Mr. Abhay Kumar, learned counsel accepts notice on behalf of Respondent No. 2.
8. It is accordingly directed that Respondent No. 2 shall decide the pending representations of the Petitioners within a period of six weeks from today and pass reasoned and speaking orders thereon, depending on the facts of each case in the three writ petitions. The orders shall be communicated to the Petitioners within a period of two weeks from the date of the decision. Needless to state, the representations will be decided in accordance with law and keeping in backdrop, the provisions of the PWD Act and the relevant DoPT O.M.s.
9. Petitioners will be at liberty to take recourse to the remedies available in law, in case of any surviving grievance thereafter.
10. Writ petitions along with pending applications are disposed of in the aforesaid terms.

JYOTI SINGH, J

DECEMBER 22, 2022/sn/shivam