



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF SEPTEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

WRIT PETITION NO. 6493 OF 2022 (S-RES)

BETWEEN:

SOUTH WESTERN RAILWAY
GENERAL MANGER
GADAG ROAD
HUBLI, KARNATAKA 580020

...PETITIONER

(BY SRI. ABHINAY Y T.,ADVOCATE)

AND:

1. SRINATH P L
SON OF PARMESHWAN K M
RESIDING AT NO.11
8TH MAIN, 16TH CROSS
BANDAPPA GARDEN, MATHIKERE
BENGALURU 560054.

2. CHIEF COMMISSIONER OF
PERSONS WITH DISABILITIES (DIVYANGJAN)
SAROJINI HOUSE 6, BHAGWAN DASS ROAD
NEW DELHI 110001.

...RESPONDENTS

(BY SRI. SARAVANA S., ADVOCATE FOR R1
SRI. SHANTHI BHUSHAN, FOR R2 DSGI.)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO
QUASH THE UNDATED ORDER PASSED IN CASE
NO.10211/1021/2018 BY THE R2 ANNEXURE-D AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING
IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS
UNDER:

Digitally signed by
HEMALATHA A
Location: HIGH
COURT OF
KARNATAKA



CORAM: HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

ORAL ORDER

1. In this writ petition, the petitioner-South Western Railways has called in question the undated order passed by respondent No.2 vide Annexure-D, whereby respondent No.2 directed the Railways to follow the instructions of the Department of Personnel & Training (DoPT) regarding reservation for persons with disabilities in the recruitment including promotion.

2. Learned counsel appearing for the petitioner has submitted that the matter is related to the service conditions of the employees of the Railways. Respondent No.2 has no jurisdiction to decide. If respondent No.1 is aggrieved, he has to approach the Central Administrative Tribunal. He further submitted that the petitioner-Railways has its own Act and Rules in respect of their employees. The directions issued by respondent No.2 to follow the instructions of DoPT are contrary to the Indian Railway Establishment Code (IREC) and Indian Railway Establishment Manual (IREM). To that effect, he has also



relied on the judgment of Apex Court in Civil Appeal No.9176/2018, which has been produced as Annexure-R3. Hence, he sought for allowing the writ petition.

3. Per contra, the learned counsel appearing for respondent No.2 has submitted that the impugned order vide Annexure-D is only a recommendation made by respondent No.2. The direction is given only if they adopt the DoPT regulations, in terms of which reservation is to be provided for recruitment, including promotion. He further submitted that under Section 20 of the Rights of Persons with Disabilities Act, 2016 (hereinafter referred to as 'Disabilities Act' for short), all the departments of the Government are required to provide reservation in appointment and promotion, to persons with disabilities. Since the petitioner has not given any promotion to respondent No.1, he had to approach respondent No.2. Under the Disabilities Act, respondent No.2 has all the powers to recommend for implementation of the Disabilities Act. In support of his contention, he has relied



on the judgment of the High Court of Judicature at Madras in W.P.No.16796/2022 and W.M.P.No.16104/2022.

4. Heard the learned counsel for the parties. Perused the writ petition papers.

5. At this stage, the learned counsel appearing for the petitioner has submitted that during the pendency of this writ petition, respondent No.1 has been given promotion as per the Railways Act and Rules. Therefore, respondent No.1 has no grievance. The grievance of the petitioner is only in respect of the impugned order regarding the direction issued by respondent No.2 to the petitioner to follow the instructions of DoPT regarding reservation for person with disability in the recruitment and the promotion. The Commissioner cannot direct the petitioner to follow the instructions of DoPT.

6. The contention of the petitioner is that the Railways have separate Rules in respect of the service conditions of their employees. Hence, they need not adopt the DoPT



instructions. If the petitioner has their own separate set of Rules regarding the service conditions of their employees, then the impugned order directing the petitioner to follow the instructions of the DoPT regarding reservation for persons with disabilities in recruitment and promotion, and also recommending the maintenance of a proper roster as per the instructions of the DoPT, is unsustainable. To that effect, the impugned order is required to be quashed. Hence, the following order:

ORDER

- a) The writ petition is ***allowed***.
- b) The order passed by Respondent No.2 vide Annexure-D, only in respect of the direction issued to the petitioner, is quashed.

Sd/-
(H.T. NARENDRA PRASAD)
JUDGE