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**(2010) 10 SHI CK 0132**  
**In the High Court Of Himachal Pradesh**  
**Case No : CWP No. 2466 of 2010**

Hem Raj

APPELLANT

Vs

State of Himachal Pradesh and Others

RESPONDENT

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**Date of Decision :** 28-10-2010

**Acts Referred:**

**Citation :** (2010) 10 SHI CK 0132

**Hon'ble Judges :** Kurian Joseph, C.J;V.K. Sharma, J

**Bench :** Division Bench

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## Judgement

Kurian Joseph, C.J.—In these writ petitions the Petitioners claim regular appointment from the date(s) of their appointment(s) since they have been recruited against the posts reserved for physically challenged persons. In the reply furnished on behalf of Respondents No. 1 to 5, it is admitted at para 4 that the department has implemented the provisions under the Persons with Disabilities (Equal opportunities, Protection of Rights and full Participation) Act, 1995. Further it is admitted at para 7 that "the department of Animal Husbandry had published the advertisement in the newspaper for filling up the posts of daily paid beldars on daily wages basis for the candidates belonging to the disabled category."

2. The question is whether the department of Animal Husbandry has satisfied the 3% quota for disabled persons in terms of requirement under the Act No. 11 of 1995. It cannot satisfy the requirement of reservation in regular service by engaging persons on daily wages. The requirement has to be satisfied against the cadre strength of beldars. Cadre strength of beldars has to be worked as the cadre strength of regular beldars and not of the daily waged beldars. Certainly, it is open to the department to define the cadre strength of regular beldars and cadre strength of daily waged beldars. If such a distinction is sought to be made by the department then the requirement under the statute is that 3% quota should be met in the cadre of daily waged beldars and in the case of regular beldars. It is not clear from the reply as to whether this requirement of law has

been met by the Animal Husbandry department. Therefore, these writ petitions are disposed of as follows:

There will be a direction to the Director, Animal Husbandry to see whether 3% quota of disabled persons has been met in the category of regular beldars. In case there is deficiency in the 3% quota in the cadre strength of regular beldars, the persons recruited in these cases shall be adjusted against those regular vacancies, since the recruitment process is the same for daily wages beldars and regular beldars,. We make it clear that it is open to the Animal Husbandry department to ear-mark separate quota of 3% as against the daily waged beldars as well, subject to fulfillment of regular beldars in the ear-marked quota of 3%. Needful adjustments in the case of Petitioners in the light of this judgment shall be done by the Director, Animal Husbandry, within a period of four months from the date of production of copy of this judgment by the Petitioners. Consequential benefits shall also be disbursed within another period of two months.

3. With these observations the writ petition is disposed of so also the pending application(s), if any. Copy dasti.