

(2023) 05 SHI CK 0121

In the High Court Of Himachal Pradesh

Case No : Civil Writ Petition No.2335 Of 2023

Karam Chand

APPELLANT

Vs

State Of H.P And Others

RESPONDENT

Date of Decision : 22-05-2023

Acts Referred:

Persons With Disabilities (Equal Opportunities, Protection Of Rights And Full Participation) Act, 1995 — Section 32, 33

Citation : (2023) 05 SHI CK 0121

Hon'ble Judges : Tarlok Singh Chauhan, J;Virender Singh, J

Bench : Division Bench

Advocate : Dheeraj K. Verma, Anup Rattan, Ramakant Sharma, Navlesh Verma, Priyanka Chauhan

Final Decision : Disposed Of

Judgement

Tarlok Singh Chauhan, J

1. Notice. Ms. Priyanka Chauhan, learned Deputy Advocate General appears and waives service of notice on behalf of the respondents.

The instant petition has been filed for the grant of following reliefs:-

a. The Petitioner humbly prays that Writ of Mandamus directing the respondents to provide the reservation in promotion to the petitioner in terms of section 32 and 33 of THE PERSONS WITH DISABILITIES (EQUAL OPPORTUNITIES, PROTECTION OF RIGHTS AND FULL PARTICIPATION) ACT, 1995 and judgments passed by the Hon'ble Apex Court from the date of his appointment with all consequential benefits arising therefrom.

b. Issue a Writ of Mandamus directing the respondents to amended the Recruitment and Promotion Rules thereby making provisions for or to Registrar the reservation in promotions for the persons with Disability and Identify the posts against which they can be promoted.

c. That the impugned ANNEXURE P-10 may kindly be quashed and set aside whereby the respondents have rejected the claim of the Federation of which the petitioner is a member.

2. It is not in dispute that the issue in question is squarely covered by number of judgments of the Hon'ble Supreme Court of India, the latest being The State of Kerala and others vs. Leesamma Joseph, Civil Appeal No. 59 of 2021, decided on 28th June, 2021 (Annexure P-11).

3. In the given facts and circumstances of the case, we deem it appropriate to dispose of this petition by directing the respondents to consider the instant case in the light of aforesaid judgment and thereafter make necessary amendments in the Recruitment and Promotion Rules, if so required. Ordered accordingly.

4. Pending miscellaneous application(s), if any, also to stand disposed of.