



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3457]

**MONDAY, THE TWENTIETH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION NO: 18493 OF 2014

Between:

1.GOLLAPUDI VIJAYA ANAND SAGAR BABU, S/O.PRASAD RAO,
OCC:DEVELOPMENT OFFICER, LIF OF INDIA.,R/O.DOOR NO.19B,
BALAJINAGAR,PORITAPADU, GUNTUR

...PETITIONER

AND

1.LIFE INSURANCE CORPORATION OF INDIA, REPRESENTED BY
ITS CHAIRMAN, CENTRAL OFFICE,YOGASKHEMA HEEVAN
BHEEMA MARG, POST BOX-19953, MUMBAI-400021

2.THE ZONAL MANAGER LIFE INSURANCE CORPORATION OF
INDIA, SOUTH CENTRAL ZONE, JEEVAN
OPP:SECRETARIAT,SAIFABAD,HYDERABAD-500063

3.THE DIVISIONAL MANAGER LIFE INSURANCE CORPORATION OF
INDIA, DIVISIONAL OFFICE, JEEVAN PRAKASH
BUILDINGS,KENEDY ROAD, MACHILIPATNAM-521001

4.THE BRANCH MANAGER LIFE INSURANCE CORPORATION OF
INDIA, BRANCH OFFICE NO.688, 4TH LANE,
ARUNDELPET,GUNTUR-0522007

5.UNION OF INDIA, REP BY SECRETARY TO GOVERNMENT (
MINISTRY OF FINANCE) , NEW DELHI CAUSE TITLE AMENDED BY
IMPLEADING R5 AS PER COURT ORDER DATED 23-12-2021 VIDE
IA1/19.

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue any writ or order or direction more particularly in the nature of writ of mandamus declaring the impugned letter dated 6.6.2014 and the subsequent notice dated 16.6.2014 issued by the 3rd respondent as arbitrary, illegal, violative of Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act 1995 and restore the annual increments in the pay scale of the writ petitioner from 2011 onwards which were illegally withheld with all consequential benefits in the interest of justice and pass

IA NO: 1 OF 2014(WVMP 3474 OF 2014)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to vacate the interim order dt.4-7-2014 made in WP.MP.No.23180 of 2014 in WP.No.18493 of 2014 and dismiss WP.No. 18493 of 2014.

IA NO: 2 OF 2014(WPMP 23180 OF 2014)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay of all further proceedings in pursuant to impugned notice dated 16.6.2014 issued by the 3rd respondent pending disposal of writ petition

IA NO: 1 OF 2019

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased To implead the union of india as 5th Respondent in the above writ petition and pass

IA NO: 1 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to expedite the hearing the matter by fixing an early date and pass

Counsel for the Petitioner:

1.A V S LAXMI

Counsel for the Respondent(S):

1.SINGAM SRINIVASA RAO

THE HONOURABLE SRI JUSTICE HARINATH.N**WRIT PETITION NO: 18493 OF 2014****ORDER:**

1. Learned Senior Counsel appearing virtually online for the petitioner submits that the petitioner is aggrieved by the proceedings dated 16.06.2014 whereby the petitioner was called upon to explain within 15 days from receipt of the said communication as to why the services of the petitioner ought not to be terminated on account of low performance of the petitioner as apprised by the Senior Divisional Manager.

2. It is submitted that the petitioner joined the respondents-corporation on 21.04.1988 and his services were regularized with effect from 01.04.1989. Thereafter, the petitioner was discharge his duty by meeting all the required targets till the year 2010. It is submitted that from the year 2011 onwards, the petitioner suffered Locomotor disorder and Cervical Mylopathy. The petitioner underwent treatment and was advised to avoid travel and long journeys apart from indulging in any physical activity requiring lifting of weights etc.

3. On account of the petitioner's ill-health, the petitioner could not meet the targets for the said period. The petitioner had physically being challenged for performing the duty of a Development Officer and sought for accommodation in any alternative employment with the respondents-corporation. The petitioner referred to Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (hereinafter referred to as 'the Act') and claimed alternative employment.

4. Learned Senior Counsel appearing for the petitioner submits that Section 2(o) of the Act would define locomotive disease as follows:

“Section 2(o): “locomotor disability” means disability of the bones, joints or muscles leading to substantial restriction of the movement of the limbs or any form of cerebral palsy”

5. It is also submitted that the ill-health of the petitioner was squarely covered under the definition of physical disability under the Act. The show-cause notice issued by the respondents has exhibited the insensitivity of the respondents towards the petitioner's health condition. It is also submitted that this Court *vide* proceedings dated 04.07.2014 suspended the impugned proceedings dated 16.06.2014.

6. It is submitted that the petitioner continued in service of the respondents-corporation and attained the age of superannuation on 30.11.2023. It is submitted that the respondents have not released any service benefits except the provident fund. It is also submitted that though the petitioner has paid the salary, increments were not paid to the petitioner.

7. Learned Senior Counsel appearing for the petitioner places reliance on the following judgments:

(a) In the case of ***Kunal Singh vs. Union of India***¹, the Hon'ble Supreme Court held that no establishment shall dispense with, or reduced in rank, an employee who acquires a disability during his service provided that, if an employee, after acquiring disability is not suitable for the post he was holding,

¹ (2003) 4 SCC 524

could be shifted to some other post with same pay scale and service benefits and if it is not possible to adjust the employee against any post he may be kept on a supernumerary post until a suitable post is available or he attains the age of superannuation, whichever is earlier. The Hon'ble Supreme Court already held that no promotion should be denied to a person mainly on the ground of disability.

(b) In the case of ***Bhagwan Dass vs. Punjab State Electricity Board***², the Hon'ble Supreme Court held that in view of Section 47 of the Act the applicant must be deemed to be in service and he would be entitled to all service benefits including annual increments and promotions till the date of his retirement.

(c) In the case of ***Ch. Joseph vs. Telangana State Road Transport Corporation***³, the Hon'ble Supreme Court considered the appeal filed by the employee of the respondents-corporation therein challenging the premature retirement from service on medical grounds. The Hon'ble Supreme Court found fault with the action of the respondents therein and further directed the respondents-corporation to appoint the appellant to a suitable post, consistent with his condition, and on the same pay grade as he held on 06.01.2016 within a period of eight (8) weeks and also entitled the appellant to 25% of arrears of salary, allowances and benefits from the date of his termination to the date of his reinstatement.

² (2008) 1 SCC 579

³ (2025) SCC OnLine 1592

8. Learned Standing Counsel appearing for respondents submits that the petitioner is not entitled for any service benefits on account of the petitioner not conducting any business as is expected out of a Development Officer.

9. It is submitted that the petitioner is not entitled for increments as the increments would be directly proportionate to the performance of the employee. The petitioner has challenged the show cause notice without submitting his reply or passing of any order by the respondents in pursuance of the show-cause notice. It is submitted that the writ petition is not maintainable and deserves to be dismissed.

10. Learned Standing Counsel appearing for the respondents submits that in the case of ***Special Director vs. Mohd. Ghulam Ghouse***⁴, the Hon'ble Supreme Court held that unless the High Court is satisfied of the nullity of the show-cause notice for want of jurisdiction of the authority concerned the writ petition cannot be maintainable.

11. On the facts of this case, it is submitted that the respondents are empowered to issue a show-cause notice and no fault can be found in issuance of show-cause notice. As such, it is submitted that the writ petition is filed without any cause of action and deserves to be dismissed as the same is premature.

12. Heard the learned Senior Counsel appearing for the petitioner virtually online and the learned standing counsel appearing for respondents.

⁴ (2004) 3 SCC 440

13. Section 47 of the Act is a beneficial legislation and the Act is introduced in pursuance of India being a signatory for the Proclamation on the Full Participation and Equality of People with Disabilities in the Asian and Pacific Region and the Proclamation was adopted by India. The petitioner continued in service of the respondent till he attain the age of superannuation by virtue of the interim orders issued by this Court.

14. The respondents have not settled the terminal benefits of the petitioner. Though, the petitioner attain the age of superannuation on 30.11.2023. Though, the respondents have paid the provident fund the other service benefits including increments were not released by the respondents.

15. The respondents issuing the impugned show-cause notice has to be considered as beyond the ethical scope of the service regulations. The respondents have targeted the petitioner at that point of time, when he was under distress on account of the medical challenge he was undergoing then. The respondents being one of the largest insurance companies in India ought to have executed an empathetic and practical approach to the issue of the petitioner.

16. The respondent-Life Insurance Corporation is in the business of insuring life of their insured customers and disbursing the insurance benefits to the claimants. The message which we respondents have sent by issuing the show-cause notice to the petitioner, was suddenly an undesirable action

on part of the respondents. The impugned show-cause notice deserves to be set-aside.

17. Considering the submissions that the respondents have not released the service benefits though the petitioner attain the age of superannuation the writ petition deserves to be allowed directing the respondents to extend all service benefits by restoring the annual increments in the pay scale of the writ petitioner from 2011 onwards and also to release all consequential and service benefits to the petitioner within a period of six (6) weeks from the date of receipt of the copy of this order.

18. Accordingly, the Writ Petition is allowed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

Date: 20.04.2026
BSK

JUSTICE HARINATH.N

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THE HONOURABLE SRI JUSTICE HARINATH.N

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Date: 20.04.2026
BSK