

*** THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI**

+W.P.NO. 12949 OF 2023

% 29.07.2026

#Between:

Dr. M.C. Sidda Reddy,

..... Petitioner

\$And:

The State of Andhra Pradesh and Others.

... Respondents

!Counsel for the Petitioner

: Sri Harinath Reddy Somagutta

^Counsel for the Respondents

: GP for Services I

<Gist:

>Head Note:

? Cases referred:

1. (2003) 4 SCC 524
2. 2013 SCC OnLine P&H 225
3. 2025 Supreme(Ker) 1026

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

W.P.NO. 12949 OF 2023

Dr. M.C. Sidda Reddy

..... Petitioner

And:

The State of Andhra Pradesh and Others.

....Respondents

DATE OF JUDGMENT RESERVED : 08.07.2026

DATE OF JUDGMENT PRONOUNCED : 29.07.2026

DATE OF JUDGMENT UPLOADED : 04.08.2026

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE BALAJI MEDAMALLI

- | | |
|---|--------|
| 1. Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of order may be marked to Law Reporters/Journals? | Yes/No |
| 3. Whether Your Lordships wish to see the fair copy of the Judgment? | Yes/No |

JUSTICE BALAJI MEDAMALLI

Date of reserved for orders : 08.07.2026

Date of pronouncement : 29.07.2026

Date of uploading : 04.08.2026

APHC010245722023



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

[3573]

WEDNESDAY, THE 29th DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

WRIT PETITION NO: 12949/2023

Between:

1.DR M C SIDDA REDDY, M.B.A, L.L.B, PH.D., S/O. M.RAMACHANDRA REDDY, AGED 52YEARS, OCC. JUNIOR ASSISTANT, WORKING AT D.P.O.CHITTOOR, PRESENTLY ATTACHED TO SP, TIRUPATI DISTRICT. (FORMERLY CHITTOOR DISTRICT)

...PETITIONER

AND

1.THE STATE OF AP, REP., BY ITS PRINCIPAL SECRETARY, HOME DEPARTMENT,SECRETARIAT, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT.

2.THE DEPUTY INSPECTOR GENERAL OF POLICE, ANANTHAPUR RANGE, ANANTAPUR DISTRICT.

3.THE DEPUTY INSPECTOR GENERAL OF POLICE, KURNOOL RANGE, KURNOOL DISTRICT.

4.THE SUPERINTENDANT OF POLICE, CHITTOOR DISTRICT.

...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 a writ, order or direction more in the nature of Writ of Mandamus by declaring the impugned proceedings vide Rc.No.A1/3824/366/2019 Dated 24.04.2023 on the file of the 4th respondent

whereas issued as consequential to the unserved Government Memo No.1104666/Ser.III/A1/2020, Dt.28.02.2023 of 1st respondent, whereby rejected the claim of the petitioner for protection of seniority in the cadre of Junior Assistant by counting the service rendered by the petitioner as AR police constable i.e. from 22.07.1992 to 2003 and accordingly not considering notional promotion of the petitioner on par with his juniors in the promotional cadres of Senior Assistant and Office Superintendent as highly illegal, arbitrary, contrary to the As per Section 47 of Persons With Disability Act, against the Law laid down in W.P. No.40730 of 2002 by the Hon'ble Madras High court and against the judgment of Hon'ble Apex court rendered in Appeal (civil) 1789 of 2000 dated.13.02.2003 and set aside the same and consequently direct the respondents to protect the seniority of the petitioner in the post of Junior Assistant by counting the past service rendered as AR police constable and as per the same extend the notional seniority on par with the juniors with all consequential benefits and to 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 suspend the impugned proceedings Rc.No.A1/3824/366/2019 Dated 24.04.2022 of 4th respondent and to pass

IA NO: 1 OF 2026

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 grant leave for filing the Re-Joinder affidavit in the writ petition No.12949 of 2023 and pass

Counsel for the Petitioner:

1.HARINATH REDDY SOMAGUTTA

Counsel for the Respondent(S):

1.GP FOR SERVICES I

The Court made the following:

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI**WRIT PETITION NO: 12949/2023****ORDER:**

1. This Writ Petition is filed for the following relief:

“.....to issue a writ, order or direction more in the nature of Writ of Mandamus by declaring the impugned proceedings vide Rc.No.A1/3824/366/2019 Dated 24.04.2023 on the file of the 4th respondent whereas issued as consequential to the un served Government Memo No.1104666/Ser.III/A1/2020, Dt.28.02.2023 of 1st respondent, whereby rejected the claim of the petitioner for protection of seniority in the cadre of Junior Assistant by counting the service rendered by the petitioner as AR police constable i.e. from 22.07.1992 to 2003 and accordingly not considering notional promotion of the petitioner on par with his juniors in the promotional cadres of Senior Assistant and Office Superintendent as highly illegal, arbitrary, contrary to the As per Section 47 of Persons With Disability Act, against the Law laid down in W.P. No.40730 of 2002 by the Hon'ble Madras High court and against the judgment of Hon'ble Apex court rendered in Appeal (civil) 1789 of 2000 dated.13.02.2003 and set aside the same and consequently direct the respondents to protect the seniority of the petitioner in the post of Junior Assistant by counting the past service rendered as AR police constable and as per the same extend the notional seniority on par with the juniors with all consequential benefits and to pass...”

2. The facts of the case, as narrated by the petitioner in the writ petition, are briefly set out hereunder:

- (i) The petitioner assails the proceedings vide Rc.No.A1/3824/366/2019, dated 24.04.2023 issued by the 4th respondent, consequent to Government Memo No.1104666/Ser.III/A1/2020, dated 28.02.2023, whereby his request for protection of seniority in the cadre of Junior Assistant by continuing his service as Armed Reserve Police Constable (ARPC) from 22.07.1992 till his conversion in 2003, and for consequential notional promotions to the posts

of Senior Assistant and Office Superintendent on par with his juniors, came to be rejected.

(ii) The petitioner submits that he was appointed as an ARPC on 22.07.1992 and, while in service, suffered permanent disability in a road accident in 1998, rendering him medically unfit to continue in the police force. Invoking Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, he sought appointment to an equivalent post. Accordingly, the Government issued G.O.Ms.No.639 dated 10.05.2002 converting his services to the post of Junior Assistant under the Physically Handicapped quota. As the respondents failed to give effect to the said conversion, the petitioner approached the Andhra Pradesh Administrative Tribunal in O.A.No.1721 of 2003, pursuant to which he was appointed as Junior Assistant on 28.03.2003 and joined duty on 29.03.2003.

(iii) The petitioner further submits that the order of appointment contained a condition depriving him of the seniority earned in his previous service as ARPC, though his pay was protected. He contends that such a condition is contrary to Section 47 of the 1995 Act, which mandates that an employee acquiring disability during service shall be shifted to an alternative post with the same pay scale and service benefits, without reduction in rank or denial of promotional avenues. It is further submitted that the delay in providing alternative employment was entirely attributable to the respondents and cannot operate to his prejudice.

(iv) The petitioner further submits that despite passing the requisite departmental tests, declaration of his probation was delayed, and his repeated representations seeking protection of seniority and consequential promotions were rejected. His challenge before the Tribunal in O.A.No.2288 of 2016 was dismissed on the ground of availability of a statutory appeal, whereupon he preferred an appeal before the Government. As no orders were passed, he approached this Court in W.P.No.15108 of 2019, wherein a direction was issued to dispose of the appeal. Ultimately, the Government rejected his claim by Memo dated 28.02.2023, followed by the consequential proceedings dated 24.04.2023, which are impugned herein.

(v) The petitioner further submits that the impugned orders fail to consider the mandatory protection guaranteed under Section 47 of the 1995 Act (now Section 20 of the Rights of Persons with Disabilities Act, 2016), which includes continuity of service, protection of seniority, and promotional benefits. It is submitted that, had he not acquired disability while discharging official duties, he would have continued in service with his batchmates and earned promotions in the normal course. Denial of notional promotions and seniority, despite protection of pay, defeats the very object of the disability legislation.

(vi) In support of his claim, the petitioner places reliance upon the decisions of the Hon'ble Supreme Court in ***Kunal Singh v. Union of India***¹ and other judgments of the High Courts, wherein it has been held that an

¹ (2003) 4 SCC 524

employee acquiring disability during service is entitled to be shifted to an alternative post with the same pay scale and service benefits, including continuity of service, and that such statutory protection cannot be defeated by administrative action.

(vii) On the aforesaid grounds, it is contended that the impugned proceedings are arbitrary, contrary to Section 47 of the 1995 Act/Section 20 of the 2016 Act, and violative of Articles 14, 16 and 21 of the Constitution of India. The petitioner, therefore, seeks quashing of the impugned proceedings and a consequential direction to protect his seniority by considering his service from 22.07.1992 and to grant him notional promotions on par with his juniors with all consequential benefits.

3. The respondents have filed a counter affidavit contending that the petitioner had suppressed the fact that the stipulations contained in G.O.Rt.No.639, dated 10.05.2022 clearly provide that his conversion as a Junior Assistant would amount to a fresh appointment, subject to the condition that he would forgo his seniority in the present unit. The petitioner has not approached the Hon'ble Court with clean hands. The respondents have further drawn the attention of this Hon'ble Court to the impugned order issued in G.O.Rt.No.639 dated 10.05.2022, which reads as follows:

In the circumstances reported by the Director General and Inspector General of Police, A.P., Hyderabad in the reference read above, Government after careful examination of the matter hereby accord permission to the Director General and Inspector General of Police, Hyderabad to appoint Sri P. Sidda Reddy, A.R.P.C 2659 of Chittoor District by transfer as Junior Assistant as a special case under Rule 22 of A.P. State and Subordinate Service Rules 1996 under the physically

handicapped quota for a fresh appointment subject to foregoing seniority in the present unit.

It is further contended that the petitioner accepted the conditions stipulated in the above-referred G.O. and the proceedings issued by the District Police Officer. The statement made by the petitioner before the District Police Officer is extracted hereunder:

“పై సూచికలో కనబర్చిన ప్రభుత్వ జీ.వో., మరియు జిల్లా పోలీసు అధికారి ఉత్తర్వులలో, కనిన అన్ని సరియైన నిబంధనలకు లోబడి ఉంటాను”.

4. It is pertinent to refer the section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (for short, ‘the Disabilities Act), reads as follows:

47. Non-discrimination in Government Employment – (1) No establishment shall dispense with, or reduce 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, could be shifted to some other post with the same pay scale and service benefits;

Provided further that 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;

(2) No promotion shall be denied to a person merely on the ground of his disability;

Provided that the appropriate Government may, having regard to the type of work carried on in any establishment, by notification and subject to such conditions, if any, as may be specified in such notification, exempt any establishment from the provisions of this section.

5. A reading of the above provision makes it clear that section 47 of the Disabilities Act mandates that no establishment shall dispense with the services of, or reduce in rank, an employee who acquires a disability during

the course of his service. Where an employee, after acquiring such disability, is found unsuitable for the post held by him, he shall be shifted to some other post with the same pay scale and service benefits. Further, if it is not possible to adjust such employee against any post, the establishment is required to create a supernumerary post and continue him therein until a suitable post becomes available or he attains the age of superannuation, whichever is earlier.

6. The aforesaid provision clearly shows that the enactment guarantees protection of the service rights of an employee who acquires a disability during service by ensuring retention of the same pay scale and service benefits, either by providing an equivalent post or by creating a supernumerary post, as the case may be. The statutory right conferred under Section 47 cannot be defeated by compelling an employee to accept a lower post or by obtaining an undertaking or consent at the time of providing alternative employment. Any such undertaking cannot operate as a waiver of the statutory protection and rights guaranteed under Section 47 of the Act.

7. In support of the aforesaid principle, the learned counsel for the petitioner placed reliance upon the judgment of the Hon'ble Apex Court in ***Kunal Singh v. Union of India***, wherein it held that:

12. Merely because under Rule 38 of the CCS (Pension) Rules, 1972, the appellant got invalidity pension is no ground to deny the protection mandatorily made available to the appellant under Section 47 of the Act. Once it is held that the appellant has acquired disability during his service and if found not suitable for the post he was holding, he could be shifted to some other post with same pay scale and service benefits; if it was not possible to adjust him against any post, he could be kept on a

supernumerary post until a suitable post was available or he attains the age of superannuation, whichever is earlier. It appears no such efforts were made by the respondents. They have proceeded to hold that he was permanently incapacitated to continue in service without considering the effect of other provisions of Section 47 of the Act.

13. For the reasons stated and discussions made above, the appeal deserves to be accepted. Hence the impugned order affirming the order of termination of services of the appellant is set aside and the appeal is allowed. We direct the respondents to give relief in terms of Section 47 of the Act.

8. A plain reading of the section 47 of the Act reveals that it casts a statutory obligation upon the employer to protect the service rights of an employee who acquires a disability during the course of his/her service. The learned counsel for the petitioner has also placed reliance upon the judgment of the High Court of Punjab and Haryana in **Sahib Singh V. Uttar Haryana Bijli Vitran Nigam Limited and others**², wherein it was held as follows:

8..... In the case in hand, the action of the respondents in taking away the benefits of the past service of the petitioner till such time he was adjusted on the post of Meter Reader is totally contrary to the spirit of Section 47 of the Act. It is nothing else but a punishment without any fault of the petitioner. He may have been assigned the duty of a Meter Reader as he was capable of performing the same or he may have been assigned any other duty as well carrying some pay scales or service benefits, but by no means he could be deprived of his past service or the benefits accruing to him subsequent to his adjustment on the new post taking into consideration his past service. In the present case, the petitioner has been denied that benefit. As the persons junior to the petitioner in the cadre of ALMs, have been granted certain benefits to which they became entitled to considering their length of service as ALM, however, the petitioner was denied those benefits as he was considered as freshly appointed Meter Reader on 1.8.2000. Such an action has to be declared illegal and arbitrary. Ordered accordingly. The condition that the petitioner will be placed at the tail-end of the seniority of Meter Readers is quashed. The respondents are directed to calculate all the benefits to which the petitioner may be entitled to considering him in the seniority of ALMs where he was placed before the accident took place and grant him

² 2013 SCC OnLine P&H 225

the same. However, it is directed that payment of arrears, if any, shall be restricted to 38 months from the date of filing of the writ petition. The writ petition stands disposed of.

9. A reading of the above decision makes it clear that denial of the benefits to the petitioner would amount to imposing a punishment for no fault on his part. The petitioner cannot, by any means, be deprived of the benefit of his past service or the benefits accruing to him upon his adjustment to the alternative post, particularly when such adjustment is made by taking into account his past service. However, in the instant case, the petitioner has been denied the protection available to him in respect of his service benefits, which cannot be permitted in law.

10. The petitioner has also placed reliance upon the judgment of the High Court of Kerala in ***Union of India V.Jalajamole G.R.***³, wherein it was held as follows:

11. On comparative reading of the aforementioned paragraphs of the Manual and the Notification, we are of the view that the finding of the Tribunal, as noticed above, is in tandem with the IREM which have a statutory force over the notification. Even otherwise, paragraph 4.2 do not take away the statutory right of the employees, who had during their service rendered incapacitated, owing to the disability while in service and posted on basis of decategorization and their seniority and the continuous service has been kept in tact.

11. A reading of the above decision makes it clear that where an employee is shifted to another post on account of a disability acquired during the course of service, his seniority and continuity of service are required to be protected and maintained.

³ 2025 Supreme(Ker) 1026

12. From the above discussion, it is clear that the petitioner is entitled to protection of his pay, including the benefits under the Automatic Advancement Scheme (APRC), by reckoning his service from the date of his initial appointment, i.e., 22.07.1992, and is also entitled to consideration for further promotions in the present category. Therefore, the impugned proceedings dated 24.04.2023 is liable to be set aside, and the petitioner is entitled to protection of his seniority and pay benefits.

13. Accordingly, the Writ Petition is **allowed**. The impugned proceedings vide Rc.No.A1/3824/366/2019, dated 24.04.2023, is hereby set aside. The respondents are directed to consider the case of the petitioner for protection of his pay and seniority, place him at the appropriate position by reckoning his past service, and extend all consequential benefits, including promotion, in accordance with law. There shall be no order as to costs.

Interim orders, if any, granted earlier shall stand vacated, and all pending miscellaneous petitions, if any, shall stand closed.

JUSTICE BALAJI MEDAMALLI

Date: 29.07.2026
SAK

Whether the order is:

Speaking	☒	Reasoned	☒
Reportable	☒	Non-reportable	

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

WRIT PETITION NO: 12949/2023

Date: 29.07.2026

SAK