

(SHOW CAUSE NOTICE BEFORE ADMISSION)

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THURSDAY ,THE TWENTY SECOND DAY OF AUGUST

TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE SRI JUSTICE PULLA KARTHIK

WRIT PETITION NO: 22205 OF 2024

Between:

C. Siddeshwar, S/o Late Sri C. Satyanarayana .

Petitioner

AND

1. National Institute for the Empowerment of Persons with Intellectual Disabilities (Divyangjan), Represented by its Director, Manovikas Nagar, Secunderabad - 500 009
2. The Director, PT Deendayal Upadhyaya Institute for the Physically Handicapped (Under Ministry of Social Justice and Empowerment) Government of India, 4 Vishnu Digamber Marg, New Delhi 110 002.
3. Union of India, Represented by its Secretary, Ministry of Social Justice and Empowerment, Department of Social Justice and Empowerment, New Delhi.
4. Sri. B. V. Ramkumar, S/o. Late Sri BVSBB Rao, Aged 53 years, Director (Offg), O/o. National Institute for Empowerment of Persons with Intellectual Disabilities (Divyangjan), Department of Social Justice and Empowerment Ministry of Social Justice and Empowerment, Government of India, Manovikas Nagar, Secunderabad 500 009

Respondents

WHEREAS the Petitioner above named through his Advocate Sri P V KRISHNAIAH presented this 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 grant appropriate relief, more in the nature of a Writ of Mandamus under Article 226 of the Constitution of India, declaring the action of the Respondents more particularly the action of the 1st Respondent in continuing the Petitioner under suspension beyond 02-08-2013 in pursuance of the order of suspension issued in proceedings No. NIMH/Estt.6.(2015)/2012-13/1221, dated 15-06-2012, and not paying the full salary with increments with effect from 03-08-2013 as per the 6th and 7th Central Pay Commission, and paying only Subsistence Allowance as per the 6th Central Pay Commission, as arbitrary, illegal discriminatory, malafide and unconstitutional violating Articles 14, 16 and 21 of the

Constitution of India, and consequently issue declaration to the effect that the Petitioner is deemed to be reinstated into service with effect from 03-08-2013 and entitled to full salary with increments with effect from 03-08-2013 as per the 6th and 7th Central Pay Commission, and issue consequential directions directing the Respondents, more particularly the 1st Respondent, to forthwith issue posting orders to the Petitioner as Assistant Administrative Officer and pay full salary with increments from 03-08-2013 as per the 6th and 7th Central Pay Commissions after deducting Subsistence Allowance already paid to the Petitioner, and also further direct the 3rd Respondent to recover the salary paid to the Petitioner from 03-08-2013 after deducting the Subsistence Allowance paid to the Petitioner from the 4th Respondent.

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri P V KRISHNAIAH Advocate for the Petitioner, Deputy Solicitor General of India takes notice for respondents 1 to 3 directed issue of notice to the Respondent No 4 herein to show cause as to why this WRIT PETITION should not be admitted.

You

viz:

1. Sri. B. V. Ramkumar, S/o. Late Sri BVSBB Rao, Aged 53 years, Director (Offg), O/o. National Institute for Empowerment of Persons with Intellectual Disabilities (Divyangjan), Department of Social Justice and Empowerment Ministry of Social Justice and Empowerment, Government of India, Manovikas Nagar, Secunderabad 500 009

is directed to show cause on or before 05.09.2024 to which date the case stands posted as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted.

The Court made the following: ORDER

Notice before admission.

Learned Deputy Solicitor General of India takes notice for respondents 1 to 3, waives further notice and seeks time to file counter affidavit.

In view of this waiver, Registry is directed not to take out notices to respondents 1 to 3.

Learned counsel for the petitioner is directed to take out personal notice to respondent No.4 and file proof of service into Registry.

Post on 05.09.2024 for counter in the same list.

Registry is directed to tag W.P. No.30225 of 2022 along with the present writ petition.

SD/- P.PADMANABHA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. Sri. B. V. Ramkumar, S/o. Late Sri BVSBB Rao, Aged 53 years, Director (Offg), O/o. National Institute for Empowerment of Persons with Intellectual Disabilities (Divyangjan), Department of Social Justice and Empowerment Ministry of Social Justice and Empowerment, Government of India, Manovikas Nagar, Secunderabad 500 009 (by RPAD- along with a copy of petition and memorandum of grounds)
2. One CC to SRI. P V KRISHNAIAH Advocate [OPUC]
3. One CC to SRI. GADI PRAVEEN KUMAR Dy. SOLICITOR GEN. OF INDIA Advocate [OPUC]
4. One spare copy

HIGH COURT

PKJ

DATED:22/08/2024

**POST ON 05.09.2024 FOR COUNTER IN THE SAME
LIST**

NOTICE BEFORE ADMISSION

WP.No.22205 of 2024

