

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF FEBRUARY, 2021

PRESENT

THE HON'BLE MR.ABHAY S. OKA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO.12593 OF 2020(GM-RES-PIL)

BETWEEN:

KARNATAKA FEDERATION OF THE BLIND
A SOCIETY REGISTERED UNDER
THE KARNATAKA SOCIETIES REGISTRATION ACT 1960
HAVING ITS REGISTERED OFFICE AT
HOUSE NO. 762, 2ND MAIN ROAD
KUVEMPU NAGAR, HASSAN
REPRESENTED THROUGH ITS GENERAL SECRETARY
MR. MAHESHA .K

... PETITIONER

(BY SHRI. JYANA KOTHARI, SENIOR ADVOCATE
FOR SHRI. ROHAN KOTHARI, ADVOCATE)

AND:

1 . STATE GOVERNMENT OF KARNATAKA
SECRETARIAT
VIDHANA SOUDHA
BENGALURU - 560 001
REPRESENTED BY ITS CHIEF SECRETARY

2 . STATE OF KARNATAKA
DEPARTMENT OF WOMEN AND CHILD DEVELOPMENT
AND EMPOWERMENT OF DIFFERENTLY ABLED
AND SENIOR CITIZENS
GATE NO. 3, GROUND FLOOR
M. S. BUILDING, DR. B.R. AMBEDKAR VEEDHI
BENGALURU - 560001
REPRESENTED BY THE PRINCIPAL
SECRETARY TO GOVERNMENT

3 . STATE GOVERNMENT OF KARNATAKA
DEPARTMENT OF PERSONNEL
ADMINISTRATIVE REFORMS
ROOM NO: 246, 2ND FLOOR
VIDHANA SOUDHA
BENGALURU - 560 001
REPRESENTED BY THE SECRETARY TO GOVERNMENT

4 . STATE COMMISSIONER FOR PERSONS WITH DISABILITIES
NO. 55, 2ND FLOOR
"ABHAYASANKERNA"
RISALDAR STREET(PLAT FORM ROAD)
KARNATAKA SLUM DEVELOPMENT BOARD BUILDING
SHESHADRIPURAM
BANGALORE - 560 020

... RESPONDENTS

(BY SHRI. B.V. KRISHNA, AGA FOR R1 TO R3,
NOTICE TO R4 SERVED AND UNREPRESENTED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO SET ASIDE THE CIRCULAR DATED:13.5.2020 ISSUED BY THE R-1 HEREIN AS ANNEXURE-H AS IT IS VIOLATION OF THE CENTRAL GOVERNMENT OFFICE MEMORANDUM DATED:14.9.2020 EXEMPTING EMPLOYEES WITH DISABILITIES FROM ROSTER DUTY DURING THE COVID-19 PANDEMIC AND DIRECT THE RESPONDENTS TO EXEMPT GOVERNMENT EMPOLYEES WITH DISABILITIES ROASTER DUTY AND TREAT AND SAME AS SPECIAL PAID LEAVE AND ETC.

THIS PETITION COMING ON FOR ORDERS THROUGH VIDEO CONFERENCING THIS DAY, **CHIEF JUSTICE** MADE THE FOLLOWING:

ORDER

The learned Additional Government Advocate states that on 5th January 2021, pursuant to the decision taken by the State Government, a circular has been issued stating that all Government employees who fall in the category of disabled and visually challenged will be entitled to work from home. He states that the said circular is applicable to all such category of Government employees. This circular will take care of the main grievance made in the petition.

2. The other submission of the learned Senior Counsel appearing for the petitioner is that as the circular will apply prospectively, in case the said category of employees who could not report to duty in the past, the said period should not be treated as a leave without pay. Reliance is placed on the Office Memorandum dated 28th April 2020 (Annexure-D) to the petition issued by the Government of India.

3. As of today, there is no material placed on record to show that any such employee who belongs to the aforesaid category and who could not attend to duty during the lockdown or pandemic was treated as if he was on leave without pay. In case that question arises, we are sure that the

State Government will take appropriate decision in the light of the Office Memorandum dated 28th April 2020(Annexure-D).

4. With the above direction, the petition is disposed of.

**Sd/-
CHIEF JUSTICE**

**Sd/-
JUDGE**

*alb/-.