



IN THE HIGH COURT OF KARNATAKA, AT BENGALURU

W.P. NO. 26387/2019

BETWEEN

Managing Director, KSRTC & Anr.

...Petitioners

AND

Sri. Jeevan Santosh Martis & Ors.

...Respondents

STATEMENT OF OBJECTIONS OF THE RESPONDENT NO. 1

The Respondent No. 1 humbly submits as follows:

1. The present Writ Petition has been filed by the Petitioner under Article 226 of the Constitution of India seeking to quash the order dated 18.03.2019 passed by the Respondent No. 3, Commissioner for Persons with Disabilities whereby the Petitioners were directed to provide light work to the Respondent No. 1 which he can discharge and to transfer him to the place of his convenience, treat the suspension period of the Respondent No. 1 as on duty and to provide him all the monetary benefits, provide 6% of his basic pay as travel allowance to the Respondent No. 1 with effect from the date of the Issuance of the Disability Certificate, and educate the physically disabled employees about the facilities and rights available under the Act by conducting workshops and by issuing circulars and notices in that regard.
2. At the outset it is stated that the present petition is baseless, without any legal merit, and deserves to be dismissed with exemplary costs in as much as it constitutes an abuse of the process of law. Furthermore, the Petitioners herein have suppressed vital facts, and have not come to this Hon'ble Court with clean hands, and therefore cannot be afforded the indulgence of any relief, equitable or otherwise. The Respondent No. 2 unequivocally denies the facts stated in the present Petition as they gravely misrepresent the true facts and circumstances leading up to the present proceedings and therefore places the following facts on record.

3. The true facts of the present case are that the Respondent No. 1 was appointed as Conductor, B. No. 1690, Puttur Division at the Karnataka State Road Transport Corporation (hereinafter "KSRTC"), Puttur Division. Respondent No. 1 successfully performed his duties till 02.01.2012. On 02.01.2012, when working in route vehicle No. F 2529 in Dharmastala depot, the Respondent No. 1 suffered an accident while on duty resulting in 40% permanent locomotor disability.

(A copy of the disability certificate of Respondent No. 1 is annexed herein and marked as **ANNEXURE – R/1**)

4. Pursuant to the injury, the previous Divisional Controller, KSRTC, Puttur Division issued an office order dated 30.06.2014 in favour of Respondent No. 1, allocating light work on the account of his disability. Specifically, the order directed the Respondent No. 1 to manage the Store Section, which included the issuance of spare parts and the maintenance of files and other such supervisory work. Further, the order sanctioned a medical leave of 6 months to the Respondent No.1 from 03.01.2012 to 01.06.2012.

(A copy of the order of the previous Divisional Controller, KSRTC dated 30.06.2014 along with its translated copy is annexed herein and marked as **ANNEXURE – R/2**)

5. Following the appointment of the Respondent No. 1, the Depot Manager, Puttur Division issued a work order dated 15.08.2016 mandating Respondent No. 1 to manage vehicle parking of two wheelers and four wheelers in the new "PPP" Bus Stand of Puttur. This order was issued despite the previous order dated 30.06.2014 holding that lighter work be prescribed to Respondent No. 1 on account of his disability.

(A copy of the work order dated 15.08.2016 along with its translated copy is annexed herein and marked as **ANNEXURE – R/3**)

6. Thereafter, on 13.05.2017, the Petitioner No. 2 issued a charge sheet to the Respondent No. 1 stating that the Respondent No. 1 had committed dereliction of

duties during his posting at the Store Section by failing to sign the attendance register and enter the time of arrival and departure from work every day, which amounted to negligence and the Respondent No. 1 was given 10 days' time to respond to the charges.

(A copy of the charge sheet dated 13.05.2017 issued by Petitioner No. 2 along with its translated copy is herein annexed as **ANNEXURE – R/4**)

7. In response to this charge sheet, the Respondent No. 1 issued a response dated 19.05.2017 stating that this charge sheet was issued on account of personal vengeance and denied all the charges. Additionally, the Respondent No. 1 made a representation dated 22.06.2017 to Director, Security and Vigilance regarding the charge sheet dated 13.05.2017 issued against the Respondent No. 1 and stated that the said charge sheet was false, misleading and done out of personal vengeance to humiliate the Respondent No. 1.

(A copy of the letter dated 19.05.2017 issued by the Respondent No. 1 to Petitioner No. 2 along with its translated copy is herein **ANNEXURE – R/5**)

(A copy of the letter dated 22.06.2017 issued by the Respondent No. 1 to Director, Security and Vigilance, KSRTC along with its translated copy is herein **ANNEXURE – R/6**)

8. Thereafter in view of the harassment faced by the Respondent No. 1 at the workplace, the Respondent No. 1 filed a complaint dated 03.07.2017 before the Respondent No. 3 regarding the harassment and threats of transfer and dismissal from service and requested that appropriate action be taken against the Petitioner No. 2. On taking notice of the said complaint, the Respondent No. 3 issued a direction dated 29.07.2017 to the Petitioner No. 1 to instruct the concerned officer to take action and examine the complaint under reference and take appropriate action.
- (A copy of the letter dated 29.07.2017 along with its translated copy is herein annexed as **ANNEXURE – R/7**)

9. In the meantime, vide office order dated 01.08.2017, the Respondent No. 1 was transferred to the Diesel Bunk of the Depot to work in filling the diesel in vehicles and record information and calculate KMPL on the ground that the Respondent No. 1 is not entering the Store Section information in the DCS system. This was in clear violation of the previous order dated 30.06.2014 assigning only light work to the Respondent No. 1. This was despite the fact that the Respondent No. 1 had previously informed the Depot Manager, Puttur Depot, vide letter dated 21.06.2017, that entering the information in the DCS System was the work of the Junior Assistant and that as he is a person with disability, he should not be forced to discharge work beyond the limits of his assignment.

(A copy of the office order dated 01.08.2017 transferring the Respondent No. 1 to the Diesel Bunk along with its translated copy is annexed hereto and marked as **ANNEXURE – R/8**)

(A copy of the letter dated 21.06.2017 addressed by the Respondent No. 1 along with its translated copy is annexed hereto and marked as **ANNEXURE – R/9**)

10. Despite the abovementioned representations, the Respondent No. 1 was not provided with any relief. Instead, the Petitioner No. 2 issued a second charge sheet dated 18.08.2017 on the ground that the Respondent No. 1 was not entering information in the DCS System and has therefore committed dereliction of duty. The Respondent No. 1 issued a detailed response dated 19.09.2017 stating that he has successfully discharged his duties without any lapses and that any duties with regard to entering information in the DCS system is beyond his work assignment and as he is a disabled person, he is unable to perform the tasks assigned due to his disability. He further submitted that false charges are being levelled against him in order to harass him.

(A copy of the charge sheet dated 18.08.2017 along with its translated copy is annexed hereto and marked as **ANNEXURE – R/10**)

(A copy of the Respondent No. 1's written statement dated 19.09.2017 along with its translated copy is annexed hereto and marked as **ANNEXURE – R/11**)

11. Thereafter, a third charge sheet dated 24.08.2017 was issued wherein the Petitioner No. 2 once again alleged various baseless charges of dereliction of duty and submitting a false complaint to the District Disabled Welfare Officer against the Respondent No. 1. The Respondent No. 1 submitted a detailed statement dated 08.09.2017 against the said charge sheet once again denying all the charges against and stating that he has approached different authorities on the account of the injustice meted out on him and no unnecessary complaints were made. In the written submissions, the Respondent No. 1 further highlighted that the Respondent No. 3 has directed that action be taken in respect of the Respondent No. 1's complaint and that all the false charges against him be dropped.

(A copy of the charge sheet dated 24.08.2017 along with its translated copy is annexed hereto and marked as **ANNEXURE – R/12**)

(A copy of the Respondent No. 1's written statement dated 08.09.2017 along with its translated copy is annexed hereto and marked as **ANNEXURE – R/13**)

12. Following the multiple charge sheets against the Respondent No. 1 issued solely with a view to harass, humiliate and intimidate the Respondent No. 1, the Petitioner No. 2 passed an order dated 04.09.2017 holding the Respondent No. 1 guilty of the various charges and directed postponement of the Respondent No. 1's year end increment.

(The order dated 04.09.2017 passed by the Petitioner No. 2 along with its translated copy is annexed hereto and marked as **ANNEXURE – R/14**)

13. Following the above mentioned order, the Respondent No. 1 appealed to the Petitioner No. 1 vide letter dated 03.10.2017, requesting that the charges levelled and penalty imposed against the Respondent No. 1 be quashed immediately as the Respondent No. 1 has been complying with all the orders of the KSRTC and the charges levelled by the Petitioner No. 2 were designed to harass him. However, no further action was taken in this regard.

(A copy of the letter dated 03.10.2017 of the Respondent No. 1 along with its translated copy is annexed hereto and marked as **ANNEXURE – R/15**)

6

14. Additionally, the Respondent No. 1 also made a representation dated 22.08.2017 to the Director, Human Resources, KSRTC seeking protection from the Petitioner No. 2 on account the Petitioner's constant harassment and requesting necessary action be taken to compensate the injustice meted out against the Respondent No. 1.

(A copy of the representation dated 22.08.2017 issued by the Respondent No. 1 to the Director, Human Resources, KSRTC along with its translated copy is annexed hereto and marked as **ANNEXURE – R/16**)

15. Despite the abovementioned response and representations, the Petitioner No. 2 passed an order dated 27.10.2017 imposing a fine of Rs. 1000 on the Respondent No. 1 on the ground that the Respondent No. 1 has not entered information in the DCS System despite instructions while working in the Store Section of the depot.

(A copy of the order dated 27.10.2017 issued by the Petitioner No. 2 along with its translated copy is annexed hereto and marked as **ANNEXURE – R/17**)

16. The Respondent No. 1 then filed a complaint dated 05.12.2017 before the Respondent No. 3 on the ground that he is being harassed and baseless charges are being levelled against him such as failure to sign in the attendance register. He further stated that despite being a person with disability, he is being assigned additional work in violation of the order dated 30.06.2014 issued by the Divisional Controller, KSRTC directing light work be prescribed to the Respondent No. 1. Further, the complaint stated that he has approached all the concerned authorities and is approaching the Respondent No. 3 after failing to secure any relief.

(A copy of the complaint submitted by the Respondent No 1 to the Respondent No 3 dated 05.12.2017 along with its translated copy is annexed hereto and marked as **ANNEXURE – R/18**)

17. In furtherance of the harassment already meted out, the Respondent No. 1 was finally suspended from service vide order dated 20.01.2018 falsely alleging that the Respondent No. 1 had caused an accident on 17.01.2018 whereby due to a

miscommunication between the Respondent No. 1 and the driver of a bus, the nozzle to fill up the diesel remained in the vehicle while the bus was being moved which caused damage to the diesel pump assembly, obstructed the work of the depot and resulted in economic loss for the KSRTC.

(A copy of the suspension order dated 20.01.2018 along with its translated copy is annexed hereto and marked as **ANNEXURE – R/19**)

18. Objecting to the suspension order dated 20.01.2018, the Respondent No. 1 addressed a letter dated 22.01.2018 to the Petitioner No. 1 stating that the suspension was imposed in order to harass the Respondent No. 1 and punishes him despite having committed no wrong as the accident was caused due to the irresponsibility of the driver and that not of the Respondent No. 1. Further, the letter argued that the suspension is illegal and in violation of the powers provided in the Rights of Persons with Disability Act, 2016. In light of these facts, the Respondent No. 1 requested that an enquiry be conducted by the Petitioner No. 1 in this matter.

(A copy of the letter dated 22.01.2018 issued by the Respondent No. 1 to Petitioner No. 1 along with its translated copy is annexed hereto and marked as **ANNEXURE – R/20**)

19. Noting the harassment faced by the Respondent No. 1, the Respondent No. 3 addressed a letter dated 25.01.2018 to the Petitioner No. 1 requesting a quashing of the suspension order dated 20.01.2018 and ordering strict action be taken against Petitioner No. 2. However, no action has been taken by the Petitioner No. 1 in this regard.

(A copy of the letter dated 25.01.2018 issued by the Respondent No. 3 along with its translated copy is annexed hereto and marked as **ANNEXURE – R/21**)

20. In furtherance to the suspension order, a further charge sheet dated 21.04.2018 was issued by the Petitioner No. 2 charging the Respondent No. 1 with negligence on account of the accident that took place on 17.01.2018. The Respondent No. 1 filed a response dated 02.05.2018 to the aforementioned charge sheet stating that

8

the accident in question was caused due to a mistake on the part of the driver alone and that the Respondent No. 1 had repeatedly cautioned him not to move the vehicle. Further, he stated that the driver had maliciously blamed the Respondent No. 1 for the incident by twisting the facts in his favour.

(A copy of the charge sheet dated 21.04.2018 issued by the Petitioner No 2 along with its translated copy is annexed hereto and marked as **ANNEXURE – R/22)**

(A copy of the response dated 02.05.2018 issued by the Respondent No.1 along with its translated copy is annexed hereto and marked as **ANNEXURE – R/23)**

21. Finally, vide order dated 22.12.2018, the suspension order against the Respondent No. 1 was revoked. However, the Respondent No. 1 was transferred from Puttur Depot to the Sulya Depot.

(A copy of the order dated 22.12.2018 issued by the Petitioner No 2 revoking the suspension of Respondent No. 1 along with its translated copy is herein annexed as **ANNEXURE – R/24)**

(A copy of the Relieving Order dated 22.12.2018 issued by the Petitioner No. 2 along with its translated copy is annexed herein as **ANNEXURE – R/25)**

22. In this background, after considering all the facts and circumstances and detailed pleadings of the parties, and taking note of the continuous harassment of Respondent No. 1 by the Petitioner No. 2, the Respondent No. 3 issued an order dated 18.03.2019 directing the Petitioner No. 1 to:

- a. Provide light work to the 1st respondent which he can discharge and to transfer him to the place of his convenience.
- b. To treat the suspension period of the 1st respondent on duty and to provide him all the monetary benefits.
- c. To provide 6% of his basic pay as travel allowance to the 1st respondent with effect from the date of the Issuance of the Disability Certificate.
- d. To take disciplinary action against the 2nd Petitioner as per KSRTC C&D Regulations.

- e. To educate the physically disabled employees about the facilities and rights available under the Act by conducting workshops and by issuing circulars and notices in that regard.

This order unequivocally holding that the Petitioners violated the rights of the Respondent No. 1 under the RPD Act and had continuously subjected him to harassment. Further, this order also absolved the Respondent No. 1 of all the allegations that were made against him by the Petitioner No. 2.

23. It is submitted that the Respondent No. 3, Commissioner for Persons with Disabilities passed the aforementioned order only after conducting a detailed and thorough enquiry into the case. This was done after affording an opportunity to all parties, including the Petitioners, to give their response to the complaints issued by Respondent No. 1. The Respondent No. 3 came to a clear finding that the Petitioner No 2 has indeed harassed the Respondent No. 1 through the imposition of penalties without due application of mind. Further, the Respondent No. 3, keeping in mind all the relevant factors, issued an order providing relief to the Respondent No. 1 and directed that action be taken against the Petitioner No. 2. Being aggrieved by the order dated 18.03.2019 of the Respondent No. 3, the Petitioner No. 2 filed the present writ petition before this Hon'ble Court.

24. It is submitted that after the institution of this Petition, the Petitioner no. 2 has passed an order dated 24.07.2020 vide which it was observed that the incident which took place on 17.01.2018 was due to the negligence of the Driver Manjunath. Additionally, the Petitioner No. 2 has passed an order dated 21.08.2020 vide which it was ordered that one month salary of driver Manjunath shall be deducted in 30 equal instalments.

(A copy of the order dated 24.07.2020 passed by the Petitioner No. 2 along with its translated copy is annexed herein as **ANNEXURE - R/26**)

(A copy of the order dated 21.08.2020 passed by the Petitioner No. 2 along with its translated copy is annexed herein as **ANNEXURE - R/27**)

10

25. It is humbly submitted that the present Petition must be viewed and evaluated in light of all the aforementioned detailed facts which have not been placed on record by the Petitioners. It is submitted that the Petitioner has suppressed vital facts and has approached this Hon'ble Court for relief with unclean hands. On this basis alone, the present Petition ought to be dismissed. Further, it is submitted that the bald claim of Petitioner No. 2 that the decision of the Respondent No 3 is not founded on evidence on record is misplaced since the Respondent No. 3 has taken on record all the relevant facts prior to passing their recommendations.

26. It is submitted that the Respondent No. 1 has suffered grave discrimination and harassment at the hands of the Petitioners, especially Petitioner No. 2, which violates his rights under the Rights of Persons with Disabilities Act, 2016. The Respondent No. 3 took note of this, applied his mind to the facts and thereafter passed the detailed and reasoned order. As such, contrary to what is claimed by the Petitioners, there is no reason to set aside the order passed by the Respondent No. 3 and the same ought to be enforced.

27. It is submitted that the Petitioners have stated in paragraphs 8 – 17 that the Respondent No. 3 has acted without jurisdiction and does not have the power to pass orders of this nature. However, this is patently incorrect and against the provisions of the RPD Act which governs the rights of the Respondent No. 1. It is submitted that in Section 2(b)(ii), the RPD Act defines "appropriate Government" to be the State Government or any establishment wholly or substantially financed by that Government or any local authority. In the present case, the KSRTC is owned by the State of Karnataka and would fall within the definition of appropriate Government, over which the Respondent No. 3 would have jurisdiction under the RPD Act. Therefore, the Respondent No. 3 was fully empowered to pass the directions in order dated 18.03.2019 and the Petitioners' contentions in this regard ought to be rejected.

28. Further, it is submitted that the claim that Respondent No 3 does not have the power to issue mandatory or prohibitory injunctions or interim injunctions is unfounded. As per Section 80(b) of the RPD Act, 2016, the State Commissioner for

Disabilities has the power to inquire, suo moto or otherwise, such as a complaint, into any matter of deprivation of the rights of persons with disabilities and review the safeguards available to them and take up the matter with appropriate authorities for correct action. As per Section 81 of the RPD Act, when the State Commissioner makes a recommendation to an authority under Section 80(b), the authority shall take necessary action within three months and where they do not accept a recommendation, they should convey reasons for the non-acceptance to the Commissioner within a period of three months. However, in the present case, the Petitioners have blatantly decided not to follow the recommendations of the Respondent No. 3 validly made based on his powers under Section 80 of the RPD Act and have further not provided any clear reasons for not complying with the Respondent No. 3's recommendations. It is submitted that the Petitioners' contentions that the Respondent No. 3 is completely incorrect and not based on the RPD Act. As such, the contention of lack of jurisdiction of the Respondent No. 3 must be rejected outright by this Hon'ble Court.

29. Additionally, it is submitted that having passed recommendations in exercise of the powers under Section 80, the authority in question, the KSRTC through the Petitioner No. 2 could have made a representation to the Respondent No 1 and 3 within a period of three months providing reasons for non-implementation of the recommendations of the Respondent No. 3. It is submitted that no such steps were taken by the Petitioners, thereby violating the requirement prescribed under Section 81 of the RPD Act. In light of the same, it is submitted that since the Petitioners have not exhausted the prescribed remedies, the present writ petition should be disposed of with exemplary costs.

30. In **Geetaben Ratilal Patel vs. District Primary Education Officer** (2013) 7 SCC 182, the Hon'ble Supreme Court upheld the principle that under Section 62 of the Persons with Disabilities (Equal Opportunities, Protection of Rights, and Full Participation) Act, 1995 which is similar to Section 80 of the RPD Act 2016, the Commissioner for Disabilities can pass orders relating to dismissal of service of the

complainant and take up the matter with authorities. The Hon'ble Supreme Court held that:

“The provisions of Sections 47 and 62 of the Act, when read together, empower the Commissioner, to look into the complaint with respect to the matters relating to deprivation of rights of persons with disabilities and non-implementation of laws, rules, bye- laws, regulations, executive orders, guidelines or instructions issued by the appropriate Government or local authorities and to take up the matter with the appropriate authorities for the welfare and protection of the rights of persons with disabilities including matter relating to dispensation with service or reduction in rank. The power of the Commissioner "to look into the complaints with respect to the matters relating to deprivation of rights" as provided under Section 62 of the Act is not an empty formality and the Commissioner is required to apply his mind on the question raised by the complainant to find out the truth behind the complaint. If so necessary, the Commissioner may suo motu inquire into the matter and/or after giving notice, hearing the concerned parties and going through the records may decide the complaint. If it comes to the notice of the Commissioner that a person with disability has been deprived of his rights or that the authorities have flouted any law, rule, guideline, instruction etc. issued by the appropriate Government or local authorities, the Commissioner is required to take up the matter with the appropriate authority to ensure restoration of rights of such disabled person and/or to implement the law, rule, guideline, instruction if not followed.”

It is submitted that in the present case, the Respondent No. 3 has followed the mandate of Section 80 of the RPD Act and the dictum of the Hon'ble Supreme Court and has inquired into the present facts and circumstances and have come to a clear finding against the Petitioners. The Petitioners have failed to demonstrate why the order dated 18.03.2019 is incorrect or wrong in law or how the Respondent

No. 3 has acted without jurisdiction and as such, their contentions ought to be rejected and the present Petition ought to be dismissed.

31. It is submitted that as per Section 102 of the RPD Act, the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 ("PWD Act") stands repealed and all actions taken under the said Act shall be deemed to have been done or taken under the corresponding provision of the RPD Act. Therefore, the powers of the Respondent No. 3 and the order should be viewed in light of the provisions of the RPD Act, as per which the Respondent No. 3 was fully empowered to pass the order dated 18.03.2019. In fact, a comparison of Section 62 of the erstwhile PWD Act and Section 80 of the RPD Act shows that the Respondent No. 3 can in fact look into questions of deprivation of rights of the persons with disabilities as in the present case. Therefore, the contention of the Petitioners that the Respondent No. 3 did not have the power or the jurisdiction to pass the order dated 18.03.1994 is entirely incorrect and baseless and ought to be rejected by this Hon'ble Court.

32. In **Jeeja Ghosh v. Union of India, (2016) 7 SCC 761**, the Hon'ble Supreme Court held that the rights that are guaranteed to differently abled persons under the Persons with Disabilities Act, 1995 are founded on the sound principle of human dignity which is the core value of human rights and is treated as a significant facet of right to life and liberty. Such a right now treated as a human right of the persons with disability has its roots in Article 21 of the Constitution. The manner in which the Respondent No. 1 has been treated, by being harassed for not complying with work orders that he is unable to fulfill as a person with disability, in addition to being repeatedly targeted for complaining against such harassment, is in complete violation of the right to life and dignity of the Respondent No. 1. It is submitted that the Petitioners failed to disclose these details in the present Petition and as such, this Petition ought not to be entertained by this Hon'ble Court.

33. It is submitted that the Hon'ble Supreme Court in ***Bhagwan Dass v. Punjab State Electricity Board (2008) 1 SCC 579*** while interpreting Section 47 of the PWD which is the comparable provision to Section 20 to RPD Act, held:

"In construing a provision of a social beneficial enactment that too dealing with disabled persons intended to give them equal opportunities, protection of rights and full participation, the view that advances the object of the Act and serves its purpose must be preferred to the one which obstructs the object and paralyses the purpose of the Act...Language of Section 47 is plain and certain casting statutory obligation on the employer to protect an employee acquiring disability during service."

Therefore, it is submitted that the Respondent No. 1, who acquired his disability during his period of service as a conductor, ought not to have been harassed by the Petitioner No. 2 for requesting reasonable accommodation at the workplace. Under the RPD Act, it is an obligation of the State Government to provide reasonable accommodation and barrier free and conducive work environments for persons with disabilities. In furtherance of the same, the Divisional Controller, KSRTC issued an order dated 30.06.2014 (ANNEXURE – B) assigning lighter work to the Respondent No. 1 in the Store Section. However, the Petitioner No. 2 has violated the said order and the provision under Section 20(2) of the RPD Act by assigning heavier work vide orders dated 15.08.2016 (ANNEXURE – C) and 01.08.2017 (ANNEXURE – H). Therefore, the actions of the Petitioner No. 2 in the present case are in clear violation of its obligations under Section 20. Therefore, the present Petition ought to be rejected by this Hon'ble Court.

34. It is submitted that despite the Respondent No. 1 being a person with disability, his rights under Section 20 of the RPD Act have been violated not been respected by Petitioners, as Petitioner No. 2 has repeatedly harassed the Respondent No. 1 by taking punitive action against the Respondent No. 1 for non-compliance with work orders that he is unable to fulfil as a consequence of his disability, thereby treating the Respondent No. 1 in a discriminatory manner. Further, the actions of the

Petitioner No. 2 are in violation of the fundamental right to life and dignity guaranteed under Article 21 of the Constitution of India, 1950. The order dated 18.03.2019 of the Respondent No. 3 has been passed keeping in mind these issues, in compliance with the RPD Act and ought not to be set aside.

35. Further, it is submitted that Section 3 of the RPD Act, which secures the right to equality and non-discrimination, states that the appropriate Government should take steps to utilize the capacity of persons with disabilities by providing appropriate environment and no person with disability shall be discriminated against on the ground of disability. However, the actions of the Petitioners are in clear violation of this guarantee under the RPD Act and therefore, the order dated 18.03.2019 which has been passed taking into account these facts and circumstances and the applicable legal position, should not be interfered with.

36. It is submitted that a bare perusal of the order dated 18.03.2019 issued by the Respondent No. 3 reveals that each and every contention raised by the Petitioners has been considered and deliberated upon before arriving at the finding. Therefore, the Respondent No. 3, having jurisdiction in the present case, has conducted an inquiry into the matter and passed a detailed and meticulous order, which ought not to be disturbed or interfered it and in fact ought to be complied with by the Petitioners in compliance with their obligations under the RPD Act.

37. Therefore, in light of the above it is submitted that the Petitioners have failed to make out a case to quash the order of the Respondent No. 3 and it is humbly prayed that the above Writ Petition be dismissed by this Hon'ble Court with exemplary costs.

Place: Bengaluru

Date:

Counsel for Respondent No.1

