

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

MONDAY , THE FIRST DAY OF JULY
TWO THOUSAND AND THIRTEEN

:PRESENT:

**THE HON'BLE SRI KALYAN JYOTI SENGUPTA, THE CHIEF JUSTICE
AND
THE HON'BLE Ms JUSTICE G.ROHINI**

P.I.L.No. 42 of 2013

Between:

1. Network of Persons with Disability, Rep by Its President M.Srinivasulu S/o M.Pentoji aged about 44 years, occupation Social Worker, Office 16-11-310/14/5/1B, Malakpet, Hyderabad.
2. Tejeswi Mahila Vikalangula Network (TMVN) Rep by its Secretary G.VijayaLaxmi D/o Chinna venkateshwarlu, aged about 37 years, Occ Social Worker, RJo Village Post mangolu, Mandal Vatsavai, Krishna District.
3. People With Hearing Impared Network (PHIN). Rep by its President, V.Janaki W/o V. Srinivasulu aged about 32 years, Occ Social Worker, Office. 16-11-22/31, Krishna Tulasi nagar, Musrambagh, Malakpet, Hyderabad.
4. Society of Leprosy Affected Person, In the Colony and in the Community (SLAP) Kanderi Dhananjaya Naidu S/o Jagannatham Naldu aged about 55 Years, Occ Social Worker, Office. 5-4-1438, Opp Hanuman temple, Sharadha Nagar, Vanasthalipuram, Hyderabad, R.R. Dist

..... PETITIONERS

AND

1. The Chief Secretary Government of Andhra Pradesh, Secretariat Hyderabad.
2. The Principal. Secretary Government of A.P. Finance & Planning Department, Secretariat Hyderabad.
3. The Principal Secretary Government of Andhra Pradesh, Panchayat Raj and Rural Development, Secretariat, Hyderabad.
4. The Principal Secretary Government Of Andhra Pradesh, Primary Education Department, Secretariat, Hyderabad.
5. The Principle. Secretary, Government Of Andhra Pradesh, Higher Education Department, Secretariat, Hyderabad.
6. The Principal secretary, Government Of Andhra Pradesh Women, Child and Disabled Welfare Department, Secretariat, Hyderabad.
7. The Principal Secretary Government of Andhra Pradesh, Department of Labour Employment & Training, Secretariat, Hyderabad.
8. The Principle Secretary, Government of Andhra Pradesh Department of Health & Family Welfare, Secretariat, Hyderabad .
9. The Prl. Secretary Muncipal Administrative Department, Government of Andhra Pradesh, Secretariat, Hyderabad.
10. The Principal Secretary, Public Works Road and Building Department, Secretariat, Hyderabad.
11. The Union Secretary, Government of India Ministry of Social Justice and empowerment, Disable welfare department, Shastri Bhawan, New Delhi.
12. The Secretary, Industries Department, The Government of Andhra Pradesh, Secretariat, Hyderabad.
13. The Chief Commissioner, PWD Act, Government of India, Sarojini House, 6 Bhagwan Dass Road, New Delhi 110001
14. The Commissioner, Disabled Welfare Department, Gruhakalpa, Opp Gandhi Bhavan Nampally, Hyderabad.

15. The Principal Secretary, SC Welfare Department, Government Of A.1)
Secretariat, Hyderabad.
16. The Principal Secretary, ST Welfare Department, Government of A.P
Secretariat, Hyderabad.
17. The Principal Secretary, BC Welfare Department , Government of A.P,
Secretariat, Hyderabad.
18. The Principal Secretary, Minority SC Welfare, Government of A.P,
Secretariat, Hyderabad.
19. The Vice Chairman, Planning Commission of India, Government of India,
New Delhi.
20. The Union Cabinet Secretary, Government of India, Rastrapathi Bhavan,
New Delhi

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particular in the nature of writ of mandamus by declaring the inaction of the respondents in not implementing the provisions of Section 40 of the PWDs Act with utmost seriousness in the state, Budget allocation not less than 3% for the Persons with Disabilities empowerment in all departments as per GO MS No 1, Go Ms No 24 by the Government of Andhra Pradesh. And the directions of the planning commission as illegal, arbitrary, biased, violative of constitutional rights and against the principles of natural justice. To direct the respondents to implement Budget allocation not less than 3% for the Persons with Disabilities empowerment in all departments as per GO MS No 1, Go Ms No 24 by the Government of Andhra Pradesh strictly following the planning commission of India directions. To direct the respondents to implement the directions of the planning commission. To direct the respondents to put in place, at various levels credible and comprehensive enforcement and monitoring mechanisms to oversee implementation of the said provisions; To direct the respondents to Maintain the data base of beneficiaries with disabilities at various levels disaggregated by gender, category of disability, SC/ST/OBC/General etc. Expeditious action in respect of the matter will be gratefully appreciated, more particularly, in the face of the fact that the Persons with Disabilities Act, 1995 has not been enforced for well over 16 years now. To direct the respondents to Orient/train the Government Higher authorities and district, mandal, and village level officials on the Provisions, Acts of the persons with Disabilities to safeguard their Rights.

Counsel for the petitioner : SRI M.A.SHAKEEL

Counsel for the respondent No.1 : GP FOR GENERAL ADMINISTRATION
Counsel for Respondent No.2:G.P FOR FINANCE AND PLANNING

**Counsel for the respondent No.3 : GP FOR PANCHAYAT RAJ & RURAL
DEVELOPMENT**

Counsel for the respondent Nos.4&5 : GP FOR EDUCATION

Counsel for the respondent No.6 : GP FOR WOMEN DEV & CHILD WELFARE

Counsel for the respondent No.7,8,11, 14, 15 to 18 :GP FOR SOCIAL WELFARE

Counsel for Respondent No.9 : G.P FOR MUNICIPAL ADMINISTRATION

Counsel for Respondent No.10 :GP FOR ROADS & BUILDINGS

Counsel for Respondent No.12 : G.P FOR INDUSTRIES

Counsel for Respondent Nos.13,19 & 20 : SRI PONNAM ASHOK GOUD
(ASSISTANT SOLICITOR GENERAL)

The Court made the following : order

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA
AND
THE HON'BLE Ms. JUSTICE G. ROHINI
PUBLIC INTEREST LITIGATION NO.42 OF 2013

ORDER: (per the Hon'ble the Chief Justice Sri Kalyan Jyoti Sengupta)

On 3.6.2013, we granted four weeks time to respondent No.1 – Chief Secretary, Government of Andhra Pradesh, to file an affidavit in the matter. Despite grant of such time, the Chief Secretary does not find time to file affidavit. It is unfortunate that the Chief Secretary treats this Court so lightly.

The matter is heard out in the absence of affidavit of the Chief Secretary.

Since no counter affidavit is filed by the Chief Secretary, we are not in a position to understand the plan and scheme for implementation of the Government Orders in G.O. Ms. No.1, dt.9.1.2002 and G.O. Ms. No.24, dt.20.5.2002 and we presume that the statements made by the petitioners are correct.

We, therefore, direct the Government to implement its own orders issued on 9.1.2002 and 20.5.2002, keeping in view the object and spirit of the Act, namely, The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, without any further delay, and necessary budget allocation shall be made.

The public interest litigation is accordingly disposed of. No order as to costs.

SD/-K.RAVI KUMAR
ASSISTANT REGISTRAR
[Signature]
SECTION OFFICER

//TRUE COPY//

To

1. The Chief Secretary Government of Andhra Pradesh, Secretariat Hyderabad.
2. The Prl. Secretary Government of A.P. Finance & Planning Department, Secretariat Hyderabad.
3. The Principal Secretary Government of Andhra Pradesh, Panchayat Raj and Rural Development, Secretariat, Hyderabad.
4. The Principal Secretary Government Of Andhra Pradesh, Primary Education Department, Secretariat, Hyderabad.
5. The Principal. Secretary, Government Of Andhra Pradesh, Higher Education Department, Secretariat, Hyderabad.
6. The Principal secretary, Government Of Andhra Pradesh Women, Child and Disabled Welfare Department, Secretariat, Hyderabad.
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17. The Principal Secretary, BC Welfare Department , Government of A.P, Secretariat, Hyderabad.
18. The Principal Secretary, Minority SC Welfare, Government of A.P, Secretariat, Hyderabad.
19. The Vice Chairman, Planning Commission of India, Government of India, New Delhi.
20. The Union Cabinet Secretary, Government of India, Rastrapathi Bhavan, New Delhi
21. One CC to Sri M.A.Shakeel , Advocate (OPUC)
22. One CC to Sri Ponnam Ashok Goud, Assistant Solicitor General (OPUC)
23. Two CCs to G.P. for General Administration , High Court of Andhra Pradesh, Hyderabad (OUT)
24. Two CCs to G.P. for Finance & Planning, High Court of Andhra Pradesh, Hyderabad (OUT)
25. Two CCs to G.P. for Panchayat Raj & Rural Development , High Court of Andhra Pradesh, Hyderabad (OUT)
26. Two CCs to G.P. for Education , High Court of Andhra Pradesh, Hyderabad (OUT)
27. Two CCs to G.P. for Women Development and Child Welfare , High Court of Andhra Pradesh, Hyderabad (OUT)

28. Two CCs to G.P. for Social Welfare , High Court of Andhra Pradesh, Hyderabad (OUT)
29. Two CCs to G.P. for Municipal Administration , High Court of Andhra Pradesh, Hyderabad (OUT)
30. Two CCs to G.P. for Roads & Buildings , High Court of Andhra Pradesh, Hyderabad (OUT)
31. Two CCs to G.P. for Industries , High Court of Andhra Pradesh, Hyderabad (OUT)
32. Two CD Copies

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HIGH COURT

DATED: 01/07/2013



ORDER

PIL.NO.42 OF 2013

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Disposing of the W.P.
Without costs.

RAJ
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