

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No.8460 OF 2015

ORDER:

The petitioner who was employed as a conductor with the APSRTC calls in question the order passed on 11.03.2015 by the Regional Manager, Kadapa Region of APSTRC communicating the sanction accorded by the Vice Chairman and Managing Director of the Corporation for providing alternate employment as Shramik to the writ petitioner.

Sri N.Vijay, learned counsel for the petitioner, would urge that the petitioner was involved in a motor accident involving one of the Corporation buses by which he was traveling, in view of the bus on which he was performing duties got stranded for certain technical reasons. Due to the accident the petitioner has sustained certain amount of disability, thus impairing his full skill ability to perform various duties and responsibilities. In those set of circumstances, the petitioner appears to have moved this Court by instituting W.P.No.14176 of 2007 and pursuant to an interim direction issued by this Court the services of the petitioner are utilized in one stationary job or the other and the petitioner has been thus performing the various alternative duties assigned to him from time to time, to the satisfaction of the Corporation. It appears he was subjected to a medical examination and was declared to be unfit for A2 category by the medical officer as was evident from the medical certificate bearing No.115975

dated 28.05.2013. Since the petitioner has been declared unfit for A2 category, through the impugned order the petitioner has been offered alternate employment as a Shramik and he was asked to report to Rajampet Depot. It is this order which is challenged.

It is contended by the learned counsel for the petitioner Sri N.Vijay that the earlier interim order granted by this Court directing the respondents to provide the petitioner a stationary alternative job because of the disability suffered by him due to the motor accident, is still subsisting and hence the respondent – Corporation cannot now offer employment as Shramik to the petitioner, even otherwise when the petitioner has already suffered certain amount of disability, offering him the job of Shramik which would only further impair his efficiency, the petitioner should have been continued in

some stationary job or the other instead of offering the alternative employment as a Shramik, which post calls for lot of physical activity for which the petitioner's present physical condition does not lend support.

So long as it is not in dispute that the petitioner's medical condition has been recognized as not fit for A2 category, it is for the respondent – Corporation to provide for an alternative employment, which they have done. It is for the Corporation to utilize, appropriately and in a most productive manner the man power available with it. The petitioner is entitled to be provided a suitable employment, but he cannot pick and choose what should be the alternative post that should be offered to him. Hence, leaving it open to the petitioner to work out remedies available to him under law including submission of representation for consideration of the respondents for his suitable posting against any stationary job, this writ petition stands dismissed as rejected at the admission stage. No order as to costs.

All the miscellaneous petitions pending in this writ petition shall stand closed.

JUSTICE NOOTY RAMAMOHANA RAO

30.03.2015

Ksp