

HON'BLE SRI JUSTICE R.KANTHA RAO

Writ Petition No.32070 of 2015

Order:

Heard Sri R.Mangulal, learned counsel appearing for the petitioner and Sri A.Ravi Babu, learned Standing Counsel for TSRTC-respondents 1 to 3.

2. The petitioner is a driver in the respondents-Corporation. In the periodical medical examination, it was found that the petitioner was suffering from Cervical Compressive Myelopathy. A Certificate dated 27-8-2014 was issued by the Medical Officer to that effect. Subsequently, the doctors at Tarnaka Hospital of the respondents-Corporation referred the petitioner to NIMS and the doctors at NIMS, after conducting major surgery, held that the petitioner was unfit for the post of driver but was fit for alternative employment vide Medical Certificate dated 08-12-2014. However, the 3rd respondent issued proceedings dated 23-12-2014 retiring the petitioner on medical grounds. The said order is challenged by the petitioner in the present writ petition.

3. The grievance of the petitioner is that even though he was declared as unfit to discharge the duties of driver, it is obligatory on the part of the respondents-Corporation to provide him with suitable alternative employment as per Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

4. The writ petition is, therefore, disposed of at the stage of admission, directing the respondents-Corporation to send the

petitioner for medical examination and thereafter, consider his case for any suitable alternative post which he is able to discharge as per the medical record. The miscellaneous petitions, if any, pending in this writ petition shall stand closed. No costs.

R.KANTHA RAO, J.

05th October, 2015.

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