

HON'BLE SRI JUSTICE R.KANTHA RAO

W.P.No.31070 of 2015

ORDER:

Heard learned counsel appearing for the petitioner and learned Standing Counsel for APSRTC appearing for respondents 1 to 3.

This writ petition is filed seeking to declare the action of the respondents in reducing the rank and pay scale of the petitioner and not paying the back salary from the date on which he was declared as unfit till he was provided with alternative employment, as arbitrary and illegal.

The petitioner was appointed as casual Driver in 1996. Thereafter, his services were regularized and he worked as such continuously upto 2.6.2011. While he was working at Chilakaluripet Depot, he was declared unfit *vide* letter dated 3.6.2011 by the Senior Medical Officer, Tarnaka. Thereafter, he was provided alternative employment as Shramik *vide* order dated 28.11.2011 of the 2nd respondent. Subsequently, the petitioner was re-designated as Record Tracer.

The grievance of the petitioner is that though he was given alternative employment as Record

Tracer, the respondent-Corporation has not protected the pay scale of the petitioner in the post of Driver and that he is entitled to be paid the salary for the interregnum period i.e., from the date on which he was medically declared unfit till the date of providing alternative employment.

This Court consistently has taken the view that the employee, who acquires disability, is entitled for the salary for the interregnum period viz., from the date on which he was initially declared unfit till the date on which he was provided with alternative employment. Further he is also entitled for pay protection despite the fact that he was given the alternative post in the lower cadre.

Under these circumstances, in terms of Section 47 (1) of the Persons with Disabilities Act, 1995, the petitioner is entitled for the reliefs as sought for in this writ petition.

Therefore, the petitioner is directed to make a representation to the respondent-Corporation by setting forth all his pleas. As and when such representation is made, the respondents are directed to fix the pay of the petitioner in the pay scale of Driver and pay him the salary for the

interregnum period from 03.06.2011 to 28.11.2011
i.e., from the date on which he was initially declared
medically unfit till he was given alternative
employment as Record Tracer. No costs.

As a sequel, Miscellaneous Applications, if
any, shall stand closed.

JUSTICE R.KANTHA RAO

23rd September, 2015
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