

HON'BLE SRI JUSTICE R. KANTHA RAO

Writ Petition No.22158 of 2014

ORDER:

Heard Sri P. Govindarajulu, learned counsel appearing for the petitioner and Sri P. Durga Prasad, learned standing counsel for the respondent-Corporation.

2. The petitioner was appointed as driver in the Corporation on 01.08.1997. While so, on 24.11.2011, during the course of his duty, the bus met with an accident, wherein he sustained amputation of three fingers of his left hand. On medical examination, the Medical Officer at Tarnaka Hospital, declared him unfit for the post of driver vide certificate dated 03.11.2012. Then the petitioner submitted a representation dated 02.08.2013 to the respondents seeking alternative employment as well as to pay salaries from the date of accident to the date of providing alternative employment. Thereafter, the 2nd respondent vide order dated 12.08.2013 provided alternative employment to the petitioner as Shramik and he joined in the said post on the same day and has been working as such. The grievance of the petitioner is that while providing alternative employment as Shramik, his pay was fixed in the pay scale of Shramik instead of fixing the same in the pay scale of driver and also salary for the interregnum period i.e., 03.11.2012 to 12.08.2013 was not paid to him. Hence, he filed the present writ petition seeking afore mentioned reliefs.

3. There is no dispute about the fact that pursuant to the order passed by this court, the petitioner was provided alternative employment as Shramik and he has been working in the said post from the date of his appointment. This court in several cases, has taken consistent view that when the employee became unfit to perform the duties in his original post, alternative employment shall be provided to him as per the provisions of Section 47 (1) of the Persons with Disabilities Act, 1995 and that his pay scale in the original post shall be protected.

4. In view of the above, the respondents are directed to fix the pay scale of the petitioner in the pay scale of driver, maintain his seniority in the said post and pay

him the salary for the interregnum period i.e., from 03.11.2012 on which date he was initially declared unfit by the Medical Officer of the Corporation, to 12.08.2013 on which date he was provided alternative employment as Shramik, within a period of eight (8) weeks from the date of receipt of a copy of this order.

5. The writ petition is accordingly disposed of. Miscellaneous petitions, if any, in this writ petition, shall stand closed. No order as to costs.

R. KANTHA RAO, J

Date: 30.09.2015

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