

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.21106 of 2015

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10.07.2015

Between:

Parsha Ramulu

...Petitioner

And

The Telangana State Road Transport Corporation and
others

...Respondents

Counsel for the petitioner: Mr.A.Jagan

Counsel for the respondents: Mr. V.Ravi Kumar,
for Mr.A.Ravi Babu,
standing counsel for TSRTC

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The Court made the following:

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ORDER:

This writ petition is filed for a *mandamus* to declare the action of the respondents in not paying salary from 05.12.2014 to 12.03.2015 to the petitioner as illegal and arbitrary.

I have heard Mr.A.Jagan, learned counsel for the petitioner and Mr.V.Ravi Kumar, learned counsel representing Mr.A.Ravi Babu, learned standing counsel for Telangana State Road Transport Corporation (TSRTC).

The petitioner pleaded that while he was working as Driver, he was declared as unfit for being continued in the said post in view of his defective distant vision with effect from 05.12.2014 and that he was reemployed as Shramik from 12.03.2015. The grievance of the petitioner is that during this interregnum period between 05.12.2014 and 12.03.2015, he was not paid salary payable for the post of Shramik. The petitioner placed reliance on two judgments of this Court in W.P.No.22269 of 2012, dated 25.09.2012 and W.P.No.30412 of 2013, dated 03.02.2014 in support of his plea that till the Drivers, who were declared as unfit, are reemployed in another post, they shall be paid salary in the reemployed post.

The learned counsel representing the respondents disputed the period for which the petitioner claimed the salary. However, I find that it is premature for this Court to adjudicate on this aspect for the reason that the petitioner has not made any representation to the respondents claiming the salary for the period during which he was allegedly not provided with alternative employment. If the petitioner had made a representation, I have no reason to doubt that the competent authority

would have examined his claim in the light of the judgments of this Court referred to above and taken an appropriate decision. As the petitioner failed to follow this procedure, he is permitted to make a representation to respondent No.2. Within one month of receipt of such representation, respondent No.2 shall issue a notice to the petitioner and after holding an appropriate enquiry, he shall take a decision in the light of the law laid down by this Court on this aspect.

Subject to the above directions, the Writ Petition is disposed of.

As a sequel to disposal of this writ petition, W.P.M.P.No.27167 of 2015 filed by the petitioner for interim relief shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

10th July, 2015
GHN