

HON'BLE SRI JUSTICE R.KANTHA RAO

W.P.No.18229 OF 2015

ORDER

Heard learned counsel appearing for the petitioner and learned Standing Counsel appearing for the respondent-Corporation.

This writ petition is filed seeking to declare the action of the respondent-Corporation in not counting the service of the petitioner from the date of his initial appointment in the post of Driver having protected his pay in the post of Conductor, as arbitrary and illegal.

The petitioner was appointed as Driver on 1.1.1999 and his services were regularized in that post. Due to defective distant vision of right eye, the petitioner was found medically unfit for the post of Driver. Thereafter, the respondent-Corporation provided him alternate job of Conductor *vide* proceedings dated 30.05.2013 and protected his pay, but refused to protect his seniority from the date of his initial appointment. Hence, the petitioner submitted representations dated 25.11.2014 and 4.2.2015 to the respondent-Corporation under Right to Information Act to furnish the seniority list. In reply thereto, the respondent-Corporation issued

proceedings dated 18.2.2015 and communicated the same to the petitioner stating that financial benefits only would be protected and his seniority will be counted only from the date on which he was given alternate employment.

Learned counsel appearing for the petitioner contended that seniority of the petitioner shall be counted from 1.1.1999 i.e., on the date on which he was appointed as regular driver.

In view of the fact that the petitioner was appointed as Driver in the respondent-Corporation on 1.1.1999, his seniority can be counted in that post, but not in the alternate post of Conductor.

Therefore, the proceedings dated 18.2.2015 issued by the 3rd respondent are set aside and the respondent-Corporation is directed to count the seniority of the petitioner from 1.1.1999 on which date he was appointed in the post of Driver on regular basis and consider his case for all the benefits including promotion.

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

JUSTICE R.KANTHA RAO

16th July, 2015
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