

HON'BLE MR JUSTICE R. KANTHA RAO

Writ Petition No.17590 OF 2015

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DATE:18.06.2015

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BETWEEN:

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G. Raju .. Petitioner

And

The A.P.S.R.T.C. rep. by its MD, Hyderabad and two others

.. Respondents

HON'BLE SRI JUSTICE R. KANTHA RAO

Writ Petition No.17590 OF 2015

ORDER:

This writ petition is filed by the petitioner under Article 226 of the Constitution of India seeking to issue a writ of mandamus declaring the action of the respondents in fixing the pay of the petitioner in the category of Shramik and in not paying the arrears to the petitioner as illegal, arbitrary, and contrary to the A.P.S.R.T.C. Service Regulations, the provisions of Act 1 of 1996, the Persons with Disabilities (Equal, Opportunities, Protection of Rights and Full Participation) Act, 1995 and as well as violation of Fundamental Rights guaranteed under the Constitution of India and consequently direct the respondents to fix the pay in the cadre of helper and pay arrears thereof to the petitioner.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

3. The petitioner was appointed as driver in the respondents Corporation in the year 1996. While he was working as driver in the Corporation, he was sent for medical examination to the A.P.S.R.T.C. Hospital at Tarnaka and was subsequently referred to the medical board. The medical board declared him unfit to the post of driver as he sustained disability to the hands. He was declared unfit by proceedings dated 24.05.2010. Subsequently, he was provided with alternative employment as Shramik in the third respondent Depot through proceedings dated 04.06.2010. Thereafter, he was promoted to the post of helper.

4. The grievance of the petitioner in the present writ petition is that while providing alternative employment, the respondents ought to have fixed his pay in the cadre of Shramik and the basic pay was reduced from Rs.8470/- to Rs.8170/-. The same is questioned as illegal, arbitrary in the present writ petition which is said to be against the provisions of Act 1 of 1996, the Persons with Disabilities (Equal, Opportunities, Protection of Rights and Full Participation) Act, 1995.

5. As per Section 47 of the Act, though the petitioner was provided the alternative employment of Shramik, his pay in the cadre of driver shall be protected. Therefore, as rightly contended by the learned counsel for the petitioner, the respondents ought to have fixed the pay of the petitioner in the cadre of driver instead of Shramik.

6. In view of the aforesaid circumstances, the writ petition is allowed directing the respondents to fix the pay of the petitioner in the cadre of driver and pay him the salary accordingly within a period of eight weeks from the date of receipt of a copy of

this order. There shall be no order as to costs.

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

R.KANTHA RAO, J

Date:18.06.2015

ccm

THE HON'BLE SRI JUSTICE R.KANTHA RAO

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