

HONOURABLE SRI JUSTICE RAJA ELANGO

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WRIT PETITION NO:11393 OF 2015

ORDER:

1. This writ petition is filed seeking to declare the action of the respondents in not paying the salaries and other attendant benefits to the petitioner as illegal and arbitrary, and consequently, to direct the respondents to pay the salaries and to extend all service benefits to the petitioner for 'out of employment period' including annual increments of post of driver.

2. It is averred in the affidavit that while the petitioner was working as Driver at 3rd respondent depot, the petitioner was sent to periodical medical examination. The Medical Officer examined the petitioner and declared that the petitioner was unfit for the post of driver. The 3rd respondent directed the petitioner to appear before the Superintendent, APSRTC, Taranaka for remedical examination. The Superintendent also confirmed the earlier medical opinion. Then, the petitioner made a representation on 11.1.2011 for providing the post of conductor or to allow him to retire voluntarily. The respondents issued notice dated 17.6.2011 rejecting his claim and directing him to attend before the Medical Officer, APSRTC, Taranaka for assessment of suitability for the post of Shramic in X2 category. The Medical Officer examined and issued medical certificate declaring that the petitioner was fit for the post of X2 category. Hence, the petitioner was appointed as Shramic.

3. It is the grievance of the petitioner that he was initially appointed as Driver and the respondents herein utilized his services as conductor for a period of nearly 3 years and subsequently, they continued his services as driver in the corporation and therefore, he is entitled to salaries and other benefits from the date of declaration that he was unfit to work as Driver till the date of alternative employment provided to him. Though the petitioner requested the respondents to pay the service benefits, they did not consider his case.

4. Heard the learned Counsel appearing for the petitioner and Sri A. Ravi Babu, learned Standing Counsel for APSRTC, and perused the material available on record.

5. Considering the facts and circumstances of the case, without expressing any opinion on the merits, the Writ Petition is disposed of with the following direction:

“The respondents are directed to consider the claim of the petitioner and pass appropriate orders, within a period of two months from the date of receipt of a copy of this order, in accordance with law.”

There shall be no order as to costs. Consequently, the miscellaneous petitions pending, if any, shall stand closed.

Justice Raja Elango

Date:21.4.2015

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