

HON'BLE SRI JUSTICE R.KANTHA RAO

Writ Petition No.21247 of 2015

Order:

Heard Sri M.Pitchaiah, learned counsel appearing for the petitioner and Sri P.Durga Prasad, learned Standing Counsel for the respondents-APSRTC.

2. The petitioner is a driver in the respondents-Corporation. He was appointed on 01-9-1996. In the periodical medical examination, he was declared unfit as a driver by the Chief Medical Officer-II of the Corporation Hospital, Tarnaka, Hyderabad on 23-01-2015. Subsequently, the Certificate dated 23-01-2015 issued by the Chief Medical Officer-II of the Corporation Hospital, Tarnaka, Hyderabad declaring the petitioner unfit to the post of driver was upheld by the Medical Board of the Corporation, Tarnaka, Hyderabad. The petitioner was declared unfit due to Meniere's Disease (both ears) for A1 Category (driver). Subsequently, the respondents-Corporation provided him with the alternative employment of Shramik on 02-6-2015. The grievance of the petitioner is that while providing alternative employment, his pay in the scale of driver was not protected and his pay is fixed at a lower level. Further, the salary for the interregnum period that is the date on which he was declared medically unfit till the date on which he was given alternative employment was not paid to him. \_

3. In terms of Section 47 of the Persons with Disabilities (Equal opportunities, Protection of Rights and Full Participation) Act, 1995, even though the petitioner was provided with alternative employment of Shramik, his pay in the scale of driver has to be protected and the salary for the interregnum period is also be paid to him by the respondents-Corporation.

4. Consequently, the writ petition is disposed of directing the petitioner to make a representation to the respondents-Corporation to fix his pay in the time scale of driver and to pay him the salary for the interregnum period and on the petitioner making such representation, the respondents-Corporation is directed to fix the pay of the petitioner in the time scale of driver and also pay him the salary from the date on which he was declared medically unfit till the date of which he was provided with alternative employment. The entire exercise shall be completed by the respondents-Corporation within a period of 8 (eight) weeks from the date of receipt of a copy of this order. The miscellaneous petitions, if any, pending in this writ petition shall stand closed. No costs.

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R.KANTHA RAO, J.

27<sup>th</sup> August, 2015.  
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