

HON'BLE SRI JUSTICE R. KANTHA RAO

Writ Petition No.30807 of 2014

ORDER:

Heard Sri P. Govindarajulu, learned counsel appearing for the petitioner and Sri A. Ravi Babu, learned standing counsel for the respondent-Corporation.

2. The petitioner was appointed as driver in the Corporation. While he was working as driver, the Depot Manager, Karimnagar-II Depot directed him to appear before the Senior Medical Officer, APSRTC, Hyderabad for periodical medical examination. The Medical Officer, who examined the petitioner on 03.05.2011 declared him unfit to perform the duties as driver due to '*failed back syndrome status post laminectomy*'. On the recommendations of the Medical Board, the Corporation provided him alternative employment as Shramik on 15.11.2011 and he joined in the said post on the same day and has been working as such. The grievance of the petitioner is that while providing alternative employment as Shramik, his pay was fixed in the pay scale of Shramik instead of fixing the same in the pay scale of driver and also salary for the interregnum period i.e., 03.05.2011 to 15.11.2011 was not paid to him. Hence, he filed the present writ petition seeking afore mentioned reliefs.

3. There is no dispute about the fact that pursuant to the order passed by this court, the petitioner was provided alternative employment as Shramik and he has been working in the said post from the date of his appointment. This court in several cases, has taken consistent view that when the employee became unfit to perform the duties in his original post, alternative employment shall be provided to him as per the provisions of Section 47 (1) of the Persons with Disabilities Act, 1995 and that his pay scale in the original post

shall be protected.

4. In view of the above, the respondents are directed to fix the pay scale of the petitioner in the pay scale of driver, maintain his seniority in the said post and pay him the salary for the interregnum period i.e., from 03.05.2011 on which date he was initially declared unfit by the Medical Officer of the Corporation, to 15.11.2011 on which date he was provided alternative employment as Shramik, within a period of eight (8) weeks from the date of receipt of a copy of this order.

5. The writ petition is accordingly disposed of. Miscellaneous petitions, if any, in this writ petition, shall stand closed. No order as to costs.

R. KANTHA RAO, J

Date: 30.09.2015
BSS

HON'BLE SRI JUSTICE R. KANTHA RAO

-
39

-
-
Writ Petition No.30807 of 2014

-
-
-
-
-
-

— — — — —

Date: 30.09.2015

BSS