

HON'BLE SRI JUSTICE R.KANTHA RAO
W.P.No.22100 OF 2015

ORDER

This writ petition is filed seeking to declare the action of the respondents in fixing the pay of the petitioner in the category of Record Tracer, as arbitrary and illegal and consequently to direct the respondents to pay salary from 5.7.2014 to 1.6.2015 and arrears to the petitioner.

The petitioner was appointed as Driver in the respondent-Corporation on 1.8.1998. While he was performing duty on 5.7.2014, he met with an accident, as a result of which his left leg was injured and he underwent treatment at NIMS, Hyderabad. Due to the said accident, the Medical Board of RTC, declared the petitioner unfit for the post of Driver. On the representation made by the petitioner, he was provided with alternative employment as Shramik vide proceedings dated 1.6.2015 issued by the 2nd respondent.

The grievance of the petitioner is that the respondent-Corporation has not paid the salary from 5.7.2014 to 1.6.2015 and the respondent-Corporation ought to have fixed his salary by protecting his pay in the cadre of Driver. As per Section 47 of the Persons with Disabilities (Equal, Opportunities, Protection of Rights and Full Partition) Act, 1995, the petitioner is

entitled to the salary in the interregnum period between the date on which he became unfit and the date on which he was provided with alternative employment.

In the instant case, the petitioner was given alternative employment on 1.6.2015. In identical issues, this Court took the view that the interregnum period has to be calculated from the date on which the petitioner was initially declared medically unfit by the doctor of the RTC.

Therefore, the respondents are directed to pay salary to the petitioner during the interregnum period i.e., from 5.7.2014 to 1.6.2015 in the post of Driver notwithstanding the fact that now he is discharging the duties in the alternative post of Shramik.

Writ Petition is disposed of accordingly. There shall be no order as to costs.

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

JUSTICE R.KANTHA RAO

24th July, 2015
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