

HON'BLE SRI JUSTICE R. KANTHA RAO

Writ Petition No.20097 of 2014

ORDER:

Heard Sri P. Govindarajulu, learned counsel appearing for the petitioner and Sri B. Mayur Reddy, learned standing counsel for the respondent-Corporation.

2. The petitioner was appointed as Conductor in the Corporation on 30.06.1987. While so, on 06.05.2011, he was medically found unfit to continue as Conductor and was compulsorily retired from service on 12.08.2011. Thereafter, he submitted a representation on 09.06.2011 to the Corporation for providing alternative employment. As the said representation was not considered by the Corporation, he filed WP No.22737 of 2012 and this court by order dated 03.10.2012 directed the Corporation to provide alternative employment to the petitioner as per Section 47 of the Persons with disabilities (Equal Opportunities, protection of Rights and Full Participation) act, 1995. In pursuance there of, the petitioner was appointed as Shramik vide order dated 17.12.2012 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 conductor and also salary for the interregnum period i.e., 06.05.2011 to 17.12.2012 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 06.05.2011 on which date he was initially declared unfit by the Medical Officer of the Corporation, to 17.12.2012 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
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22

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