

HON'BLE SRI JUSTICE R. KANTHA RAO

Writ Petition No.21502 of 2015

ORDER:

Heard Sri A.K. Jaya Prakash Rao, learned counsel appearing for the petitioner and Sri N. Vasudva Reddy, learned standing counsel for the respondents-Corporation.

2. The petitioner is a driver in the 4th respondent Depot. In the present writ petition, he questioned the action of the respondents in not providing him suitable alternative employment after he was medically declared unfit for the post of driver. As the petitioner was getting numbness in his legs, he was sent to the RTC Hospital at Tarnaka, where he underwent treatment from 22.04.2014 to 28.02.2015. Thereafter, he was referred to Nizam's Institute of Medical Sciences (NIMS) on 02.06.2015 and the NIMS issued a medical certificates dated 31.12.2014 and 11.02.2015 to the effect that he has to avoid driving, bending and jerky movements. According to the petitioner, as he was found unfit to perform the duties of the driver, vide certificate dated 20.02.2015, the Corporation provided alternative job of Conductor to him, which involves long standing, bending and also being subjected to jerks. The grievance of the petitioner is that with the medical condition in which he is placed is not possible for him to discharge the job of conductor, he filed the present writ petition seeking direction to the respondents to provide alternative job of Record Tracer or any other similar job which he is able to perform.

3. By virtue of Section 47 of the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, the respondent-Corporation is under obligation to provide suitable alternative employment to its employee when he sustained disability during the course of his duty.

4. In the circumstances, the writ petition is disposed of directing the respondents to provide suitable alternative employment to the petitioner i.e., Record Tracer or any other similar job, which he is able to perform, within a period of eight (8) weeks, from the date of receipt of a copy of this order. Miscellaneous petitions, if any, in this writ petition, shall stand closed. No order as to costs.

R. KANTHA RAO, J

Date: 14.07.2015
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