

HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

Writ Petition No.4411 of 2015

ORDER:

The petitioner, who is employed as a driver in APSRTC and attached to its Bhainsa Depot, Adilabad District, has suffered a set back to his health. He seems to be suffering from 'Cervical Compressive Myelopathy'. Accordingly he has been subjected to medical examination and the Medical Board at Tarnaka Hospital attached to APSRTC, after examining him, found him unfit for the post of driver in A1 category and he was also found to be unfit for all other categories as per the medical standards of fitness required for employment in APSRTC. Therefore, the Depot Manager passed an order on 23.12.2014 retiring the petitioner from service of the Corporation on medical grounds with effect from 23.12.2014. The case of the petitioner is that he should have been offered an alternative employment if he has been rendered medically unfit for holding the post of driver in A1 category and without doing so, retiring him from service on medical grounds, is unjust.

2. Heard Sri A. Jagan, learned counsel for the petitioner and Sri B. Mayur Reddy, learned standing counsel, who accepted the notice on behalf of the Respondents.

3. As per the policy of the APSRTC, if a driver has been found to be unfit to hold the post of a driver, his candidature for alternative employment has got to be explored. In the instant case, the Medical Board has declared the petitioner as unfit for not only A1 category but also to hold any post in the service of the Corporation. Therefore, the Regional Manager, Adilabad Region, immediately shall consider whether it is feasible to offer any alternative employment to the writ petitioner or not and in the event no alternative employment for the physical standards presently possessed by the petitioner can be offered, the terminal benefits payable to the petitioner shall be settled within thirty (30) days from the date of such finding.

4. The writ petition stands disposed of with this order. No costs. Pending

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

NOOTY RAMAMOohana RAO, J

Date: 09.04.2015

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