

HON'BLE SRI JUSTICE R.KANTHA RAO

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Writ Petition No.33004 of 2015

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ORDER:

Heard Sri A. Jagan, learned counsel appearing for the petitioner and Sri N. Vasudeva Reddy, learned standing counsel for respondent-Corporation.

2. The petitioner was a driver in the respondent-Corporation. He was found unfit for the post of driver in the periodical medical examination held at the respondent hospital at Nizamabad on 04.09.2013 and he was sent to the Medical Board at Tarnaka wherein, the Medical Board declared that the petitioner was unfit to the post of driver due to weakness of LT V, vide proceedings dated 22.01.2014. Subsequently, the Corporation provided alternative job of 'Shramik' on 21.01.2014 to the petitioner. The present writ petition is filed seeking a direction to the respondents to pay the salary to the petitioner for the interregnum period i.e., from 04.09.2013 on which date he was initially declared unfit for the post of driver on medical examination, till 21.02.2014 on which date he was provided employment.

3. Sri N. Vasudva Reddy, learned standing counsel for the Corporation would contend that since the disability of weakness sustained by the petitioner was confirmed by the Medical Board on 22.01.2014, the petitioner is entitled for the salary for the interregnum period from 22.01.14 to 21.02.2014 only. I am not in acceptance with the contention urged by the learned standing counsel for the Corporation. Even after the petitioner incurred disability in the periodical medical examination, he was subjected to further medical examination by the Medical Board for the purpose of ascertaining whether in fact the employee incurred disability or not. In some cases, the employee himself may prefer an appeal against the opinion initially given in the medical examination. In either case so long as the disability incurred by the petitioner is confirmed in the subsequent medical examination, in the considered view of this court, the employee is entitled for salary for the interregnum

period from the date on which he was initially declared unfit for the post he was holding till the date he was provided alternative employment.

4. In the circumstances, the respondents are directed to fix the pay of the petitioner in the pay scale of driver and pay him the salary for the interregnum period i.e., from 04.09.2013 to 21.02.2014, within a period of two months from the date of receipt of a copy of this order.

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

R.KANTHA RAO, J

Date: 09.10.2015

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