

HON'BLE SRI JUSTICE R.KANTHA RAO

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Writ Petition No.29771 of 2015

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ORDER:

Heard Sri A. Jagan, learned counsel appearing for the petitioner and Sri A. Ravi Babu, 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 on 04.08.2010 due to defective distinct vision. Subsequently, the Corporation provided alternative job of 'Shramik' on 12.05.2011 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 04.08.2010 on which date he was initially declared unfit for the post of driver on medical examination, till 12.05.2011 on which date he was provided employment.

3. Sri A. Ravi Babu, learned standing counsel for the Corporation would contend that since the disability of defective distinct vision incurred by the petitioner was confirmed by the Medical Board on 29.03.2011, the petitioner is entitled for the salary for the interregnum period from 29.03.11 to 12.05.2011 only. I am not in acceptance with the contention urged by the learned standing counsel for the Corporation. Even after the petitioner incurs 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 04.08.2010 to 12.05.2011, 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: 14.09.2015

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Date: 14.09.2015

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