

HON'BLE SRI JUSTICE R.KANTHA RAO

W.P.No.22091 OF 2015

ORDER

This writ petition is filed seeking to declare the action of the respondents in fixing the pay of the petitioner in the category of Record Tracer as arbitrary and illegal and consequently to direct the respondents to pay salary from 4.1.2013 to 4.3.2014 and arrears to the petitioner.

The petitioner was appointed as Driver in the respondent-Corporation in 1991. While so, in the periodical examination, the petitioner was found unfit for the post of Driver and to that effect medical certificate dated 4.1.2013 was issued by the respondent-Hospital, Warangal. Subsequently, he was subjected to medical examination by the Medical Board, which also declared that the petitioner was unfit for the post of Driver. Thereafter, as per the scheme evolved by the respondent-Corporation, he was provided alternative employment as Record Tracer *vide* proceedings dated 4.3.2014.

The grievance of the petitioner is that the respondent-Corporation has not paid the salary from 4.1.2013 to 4.3.2014 and the respondent-Corporation ought to have fixed his salary by protecting his pay in the cadre of Driver. As per Section 47 of the Persons with Disabilities (Equal, Opportunities, Protection of

Rights and Full Partition) Act, 1995, the petitioner is entitled to the salary in the interregnum period between the date on which he became unfit and the date on which he was provided with alternative employment.

In the instant case, the petitioner was given alternative employment on 4.3.2014. In identical issues, this Court took the view that the interregnum period has to be calculated from the date on which the petitioner was initially declared medically unfit by the Doctor of the RTC. In the case on hand, the petitioner was declared unfit for the post of Driver *vide* Medical Certificate dated 4.1.2013.

Therefore, the respondents are directed to pay salary to the petitioner during the interregnum period i.e., from 4.1.2013 to 4.3.2014 in the post of Driver (A2 category) not withstanding the fact that now he is discharging the duties in the alternative post of Record Tracer.

Writ Petition is disposed of accordingly. There shall be no order as to costs.

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

JUSTICE R.KANTHA RAO

24th July, 2015
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