

HON'BLE SRI JUSTICE R. KANTHA RAO

Writ Petition No.31357 of 2015

ORDER:

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

2. The petitioner was appointed as driver in the Corporation in the year 1997. During the periodical medical examination conducted by the Medical Officer (Physician) at Tarnaka Hospital on 07.10.2013, he was declared unfit for the post of driver in A1 Category due to '*CVA right hemiplegia*'. Thereafter, on the request of the petitioner, the 2nd respondent provided the petitioner alternative post of Shramik, subject to his medical fitness for the said post. The petitioner was again directed to Senior Medical Officer, RTC Dispensary at Musheerabad for medical examination and in the said examination, he was found to be unfit to discharge the duties of Shramik. Aggrieved thereby, the petitioner filed WP No.32161 of 2014 and this court by order dated 28.10.2014 directed the Corporation to provide alternative post of Shramik to the petitioner as per the decision of the Medical Board. In pursuance thereof, the petitioner was appointed as Shramik by order dated 07.02.2015 and he joined duty on the same day. The grievance of the petitioner is that while providing alternative employment as Shramik, his pay was fixed in the pay scale of Shramik instead of fixing the same in the pay scale of driver and also salary for the interregnum period i.e., 07.10.2013 to 07.02.2015 was not paid to him. Hence, he filed the present writ petition seeking afore mentioned reliefs.

3. There is no dispute about the fact that pursuant to the order passed by this court, the petitioner was provided alternative employment as Shramik and he has been working in the said post from the date of his appointment. This court in several cases, has

taken consistent view that when the employee became unfit to perform the duties in his original post, alternative employment shall be provided to him as per the provisions of Section 47 (1) of the Persons with Disabilities Act, 1995 and that his pay scale in the original post shall be protected.

4. In view of the above, the respondents are directed to fix the pay scale of the petitioner in the pay scale of driver, maintain his seniority in the said post and pay him the salary for the interregnum period i.e., from 07.10.2013 on which date he was initially declared unfit by the Medical Officer of the Corporation, to 07.02.2015 on which date he was provided alternative employment as Shramik, within a period of eight (8) weeks from the date of receipt of a copy of this order.

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

R. KANTHA RAO, J

Date: 30.09.2015
BSS

HON'BLE SRI JUSTICE R. KANTHA RAO

-
12

-
-
Writ Petition No.31537 of 2015

— — — — —

Date: 30.09.2015

BSS