

HON'BLE SRI JUSTICE R. KANTHA RAO

Writ Petition No.34916 of 2015

ORDER:

This writ petition is filed seeking writ of *Mandamus* declaring the action of the respondents in not providing alternate employment to the petitioner in spite of his repeated requests though he was medically unfit and retiring him vide proceedings dated 15.10.2015, as illegal and arbitrary.

2. Heard Sri S.M.Subhan, learned counsel appearing for the petitioner and Sri P.Durga Prasad, learned standing counsel for the respondents-APSRTC.

3. It is agreed by both the learned counsel that the issue involved in the present case is squarely covered by the order of this court in WP No.25577 of 2015 & batch dated 03.07.2015, wherein this court took a view that the colour blindness can be considered as disability for the purpose of providing alternative employment in terms of Section 47 of the Disabilities Act, 1995.

4. Therefore, this writ petition is also allowed in terms of the ratio laid down in WP No.25577 of 2015 & batch and the impugned orders passed by the Corporation is set aside and the respondents are directed to provide alternative employment/suitable post to the petitioner, within a period of eight (8) weeks from the date of receipt of a copy of this order. The respondents are further directed to protect the pay of the petitioner in the pay scale of the driver and to pay the salary to the petitioner for the interregnum period i.e., the date on which he was initially declared medically unfit, till the date of providing alternative employment. Miscellaneous petitions, if any, in this writ petition, shall stand closed. No order as to costs.

R. KANTHA RAO, J

Date: 27.10.2015
BSS

HON'BLE SRI JUSTICE R. KANTHA RAO

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