

HON'BLE SRI JUSTICE R. KANTHA RAO

Writ Petition No.25476 of 2015

ORDER:

Heard Sri A.G.Satyanarayana Rao, learned counsel appearing for the petitioner and Sri P. Durga Prasad, learned standing counsel for the APSRTC.

2. The petitioner was appointed as a causal driver in September 1989 in the Corporation and his services were regularised with effect from 01.08.1991. In the periodical medical examination held on 01.09.2014, the petitioner was declared unfit for the post of driver due to the defective vision in the right eye. Subsequently, the opinion given in the initial medical examination was confirmed by the Medical Board on 29.10.2014 and the Medical Board opined that the petitioner is entitled for alternative post as 'Shramik in X2 category'. Accordingly, the petitioner was posted as Shramik vide proceedings dated 01.12.2014. The grievance of the petitioner is that though he was given alternative post of Shramik, his pay in the scale of driver has to be protected, but still he is being paid the salary of Shramik. Further grievance of the petitioner is that the salary in the interregnum period i.e., from the date on which initially he was medically unfit, till the date on which he was given alternative employment, was not paid to him. In terms of Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (for short 'the Act 1995'), the petitioner is entitled for both the benefits.

3. This court took a view consistently that for the interregnum period, the payment of salary and other allowances to the employee shall be reckoned from the date on which he was initially declared unfit till the date on which he was provided alternative employment. Therefore, the petitioner is entitled for the salary in the pay scale of

driver from 01.09.2014 to 10.12.2014, though he is working in the alternative post as Shramik, and he shall be given the pay scale of driver and other attendant benefits as per the provisions of Section 47 of the Act 1995.

4. Consequently, the writ petition is disposed of directing the respondents to pay the salary to the petitioner in the pay scale of driver in which he was originally working and also to pay him the salary for the interregnum period i.e., from 01.09.2014 to 10.12.2014 and extend other attendant benefits in according with Rules, within a period of eight (8) weeks from the date of receipt of a copy of this order. Miscellaneous petitions, if any, in this writ petition, shall stand closed. No order as to costs.

R. KANTHA RAO, J

Date: 01.09.2015
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