HON'BLE SRI JUSTICE R. KANTHA RAO

W.P.No.32624 of 2015

ORDER:

This writ petition is filed seeking to declare the action of the respondents in not considering the case of the 2nd petitioner for appointment to the post of Constable in respondent-Corporation in terms of Circular dated 3.6.2015, as arbitrary and illegal.

The petitioner was appointed as Conductor in the respondent-Corporation on 20.03.1991. After rendering services for a considerable length of time, he developed cervical problem and ultimately, he was unable to perform the duties of Conductor and he was declared unfit to perform the duties of the Conductor. Thereafter, he was declared medically unfit and on that ground he was retired from service vide order dated 14.06.2011 as per Regulations 6 (A) (IV) of the APSRTC Employees (Service Regulations) 1964 with effect from 18.04.2011. Aggrieved by the same, the petitioner filed W.P.No.23336 of 2011. This Court while disposing of the said writ petition directed the respondents to consider the case of the petitioner for alternative employment and pass appropriate orders in terms of Section 47 of the Persons with Disabilities (Equal, Opportunities, Protection of Rights and Full Partition) Act, 1995. In view of the same, the respondents vide order dated 25.02.2014 provided alternative employment to the petitioner as Shramik.

The version of the petitioner is that he has been suffering from Cervical problem and he is not able to discharge the duties of Shramic. Therefore, he made a

representation to the petitioner to provide him a suitable alternative job, which involves light work, but his request was not considered. Hence, he filed another W.P.No.4454 of 2015 and this Court vide order dated 11.03.2015 directed the Regional Manager, Kadapa to take appropriate decision on the representation submitted by the petitioner on 25.08.2014 with due regard to his medical condition and communicate the decision taken thereon to the petitioner within a period of thirty days from the date of receipt of a copy of the order. Thereafter, the respondents issued proceedings dated 22.04.2015 rejecting the claim of the petitioner to the post of Record Tracer/Attender/Security Guard. Under these circumstances, the petitioner filed the present writ petition seeking appointment to the second petitioner in terms of Circular dated 3.6.2015 whereunder an opportunity of employment was provided to the spouse/children of the medically unfit employees instead of providing alternative employment to the unfit employees. Therefore, the petitioner seeks to withdraw his claim for alternative employment and seeks a direction from this Court to the respondents to provide job to the 2nd petitioner, who is his son under Circular dated 3.6.2015.

Considering the aforesaid submissions, the Writ Petition is disposed of directing the respondents to consider the case of the 2nd petitioner for appointment subject to his eligibility to any post in terms of Circular dated 3.6.2015 and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Miscellaneous petitions pending, if any, shall stand closed.

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JUSTICE R. KANTHA RAO

7th October, 2015

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