

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.27357 of 2015

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Dated: 28.08.2015
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Between:

Katari Lukaiah and another.

.. Petitioners.

and

The Andhra Pradesh State Road Transport Corp.,
Bus Bhavan, Musheerabad, Hyderabad,
Rep. by its Vice Chairman & Managing Director,
and others.

.. Respondents.

Counsel for the Petitioners: Mr.Challa Siva Sankar

Counsel for Respondents : Mr. Aravala Rama Rao
Standing Counsel for APSRTC

The Court made the following:

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ORDER:

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This writ petition is filed for a Mandamus to declare the action of the respondents in not providing employment to petitioner No.2 in place of petitioner No.1, who has retired on the ground of medical invalidation, as illegal and arbitrary.

I have heard the learned counsel for the parties and perused the record.

Petitioner No.1 was initially appointed as Shramik in respondent No.1 Corporation on 20.03.1991. As his request, for providing alternative employment as he was found not fit to continue as Shramik, was not considered, he has filed W.P.No.7102 of 2010. On 06.07.2010, this Court has granted interim direction to the respondents to send petitioner No.1 for medical examination and thereafter take a decision on providing alternative employment to petitioner No.1 himself based on the medical report. Pursuant to the said direction, petitioner No.1 was subjected to medical examination and has been provided alternative employment. Thereafter petitioner No.1 requested for permitting him to retire on medical grounds by providing employment to petitioner No.2. As the said request was not considered, he has filed W.P.No.12193 of 2014. On 02.06.2014, this Court has granted interim direction to the respondents to consider the representations of petitioner No.1. Having considered the said representations, the respondents have issued order, dated 06.12.2014, retiring petitioner No.1 on medical grounds and offering additional monetary benefit funds. Petitioner No.1 averred that till date the additional monetary benefit funds are not being paid to him.

Respondent No.1 has issued Circular No.PD-19/2015, dated 03.06.2015, envisaging the Scheme for providing employment to the spouse or child of medically unfit employees of the Corporation subject to other conditions contained therein. Petitioner No.1 is stated to have made several representations to respondent Nos.2 and 3 for providing employment to petitioner No.2. As his representations have not been considered, the present writ petition is filed.

Mr. Aravala Rama Rao, learned Standing Counsel for the respondents, submitted that an employee retired on medical invalidation ground is required to satisfy various conditions envisaged in Circular dated 03.06.2015.

Learned counsel for the petitioners submitted that petitioner No.1 has satisfied all the requirements.

Inasmuch as respondent No.2, who is stated to be the competent authority to take a decision, has not taken a decision, it is not desirable for this Court to render conclusive findings on the entitlement or otherwise of petitioner No.2 for being appointed in place of petitioner No.1. I therefore find it appropriate that respondent No.2 considers the representations of petitioner No.1, takes a decision on his request for providing employment to petitioner No.2 in the light of Circular No.PD-19/2015, dated 03.06.2015, and communicates the same to petitioner No.1 within one month from the date of receipt of this order. It is ordered accordingly.

Subject to the above directions, the Writ Petition is disposed of.

As a sequel to the disposal of the Writ Petition, W.P.M.P.No.35528 of 2015 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY,J

28th August, 2015
v v