

HON'BLE SRI JUSTICE R. KANTHA RAO

W.P.No.26759 of 2015

ORDER:

Heard learned counsel appearing for the petitioner and learned Standing Counsel appearing for the respondent-APSRTC.

This writ petition is filed seeking to declare the action of the respondents in not fixing the pay of the petitioner by protecting the pay of Driver besides not paying the arrears for out of employment period, as illegal and arbitrary.

The issue involved in the present writ petition is squarely covered by the judgment of this Court in W.P.No.22100 of 2015, dated 24.07.2015.

In terms of Section 47 of the Persons with Disabilities (Equal, Opportunities, Protection of Rights and Full Partition) Act, 1995, an employee, who acquires disability, is entitled for an alternative employment and the wages for the period from the date on which he was declared unfit till he was provided with alternative employment. He is also entitled for protection of pay and other benefits in the post in which he was originally working.

In the instant case, the petitioner was declared medically unfit for the post of Driver on 13.01.2010 and he was provided with alternative employment of

Record Tracer by the Corporation on 20.06.2010.

The grievance of the petitioner is that even though he was provided with alternative employment of Record Tracer, his pay was not fixed in the pay scale of Driver.

Therefore, the Writ Petition is disposed of directing the respondents to fix the pay scale of Driver to the petitioner and consider his case for all other benefits including promotion etc., and pay him salary for the interregnum period from 13.01.2010 to 16.06.2010. No costs.

Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE R. KANTHA RAO

7th September, 2015
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