

HON'BLE SRI JUSTICE R.KANTHA RAO

Writ Petition No.24035 of 2014

Order:

Heard Sri V.Narasimha Goud, learned counsel appearing for the petitioner and Sri N.Vasudeva Reddy, learned Standing Counsel for the respondents-APSRTC.

2. The petitioner is a driver in the respondents-Corporation. He was appointed in 1986 and his services were regularized with effect from 01-9-1988. During the periodical medical examination, the petitioner was declared unfit by the Medical Officer at APSRTC Hospital, Tarnaka, Hyderabad on 15-4-2011. Subsequently, the respondents-Corporation appointed him as Record Tracer on 03-01-2012. As can be seen from the office order dated 03-01-2012, the seniority of the petitioner has been reckoned from the date of reporting duty as Record Tracer in the post of Record Tracer. The present writ petition is filed challenging the action of the respondents-Corporation in not fixing his seniority and pay scale in the cadre of driver, and also to pay him the salary for the interregnum period i.e. from 15-4-2011 on which date he became unfit for the duty in the medical examination conducted by the Medical Officer, APSRTC Hospital, Tarnaka, Hyderabad till 03-01-2012 on which date he was given alternative employment.

3. In terms of Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, the seniority of the petitioner ought to have been reckoned in the cadre of driver though he is appointed in the alternative post of Record Tracer subsequent to his sustaining disability. Further, he is also entitled for the salary from 15-4-2011 to 03-01-2012 in the pay

scale of driver.

4. Consequently, the writ petition is allowed.

The respondents-Corporation are directed to reckon the seniority of the petitioner in the cadre of driver, pay him the pay scale attached to the post of driver and also pay him the salary in the same scale for the period from 15-4-2011 to 03-01-2012 treating the aforementioned period as

“on duty”. The miscellaneous petitions, if any, pending in this writ petition shall stand closed. No costs.

R.KANTHA RAO, J.

23rd September, 2015.

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