

HON'BLE MR JUSTICE R. KANTHA RAO

Writ Petition No.17283 OF 2015

DATE:02.07.2015

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BETWEEN:

-
S. Punender
Petitioner

..

And

The TSRTC, rep. by its VC &MD, Hyderabad and two others

.. Respondents

HON'BLE SRI JUSTICE R. KANTHA RAO

Writ Petition No.17283 OF 2015

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ORDER:

This writ petition is filed by the petitioner under Article 226 of the Constitution of India seeking a writ of mandamus declaring the action of the respondents in fixing the pay of the petitioner in the category of Record Tracer as illegal, arbitrary and contrary to the A.P.S.R.T.C. Regulations, the provisions of Act, 1 of 1996, the Persons with Disabilities (Equal, Opportunities, Protection of Rights and Full Participation) Act, 1995 and as well violation of Fundamental Rights guaranteed under the Constitution of India and consequently to direct the respondents to fix the pay in the cadre of Driver Grade-I and pay the arrears and attendant benefits thereof to the petitioner.

2. Heard the leaned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents/Corporation.

3. The issue involved in the present case is covered by order, dated 21.10.2014 passed by this Court in W.P.No.31632 of 2014 which was rendered by following the earlier judgment in W.P.No.22269 of 2012 which was upheld in W.A.No.739 of 2013.

4. As per the provisions of Section 47 of the Persons with Disabilities (Equal, Opportunities, Protection of Rights and Full Participation) Act, 1995 and the aforesaid judgment, while providing alternative employment, the employer shall keep the employee in the same pay scale which he was drawing at the time when he incurred disability and all his service benefits have to be protected.

5. In the instant case, the petitioner was declared unfit for the post of driver by the Medical Officer of the respondents-Corporation on 26.07.2012. Therefore, he is entitled for the salary from that date onwards till he was provided alternative employment. It is also made clear that the petitioner is

entitled for all service benefits.

6. The writ petition is disposed of accordingly. There shall be no order as to costs. Miscellaneous petitions, if any, filed in this writ petition shall stand closed.

R.KANTHA RAO, J

Date:02.07.2015
ccm

THE HON'BLE SRI JUSTICE R.KANTHA RAO

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