

THE HON'BLE SRI JUSTICE A.V. SETHA SAI

WRIT PETITION No.13036 OF 2016

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India for the following relief:

“to issue an appropriate writ or order or direction more particularly one in the nature of writ of Mandamus declaring the action of the Respondents in not fixing the pay of the petitioner in the pay scale of the post of Driver in the alternative post of Record Tracer and not extending the service benefits, is contrary to Section 47(1) of the Persons with Disabilities Act, 1995, unjust, arbitrary, discriminatory and in violation of Article 14 and Article 21 of the Constitution of India and set aside the Proceedings No.E2/785(01)/2012-NZ dated 10.10.2012 to that extent and consequently, direct the Respondents to fix the pay of the petitioner in the pay scale of the post of Driver in the alternative post of Record Tracer, extend the service benefits by reckoning the interregnum period from the date of medical unfit i.e. 30.01.2012 till the date of providing alternative employment i.e.,10.10.2012 as on duty for the purpose of salary, increments and leave and reckon the seniority of the petitioner in the post of Driver also for the purpose of promotion to the post of Assistant Depot Clerk, in the interest of justice and fair play and pass such other order or orders, just and necessary in the circumstances of the case.”

2. When the matter is called, it is represented by the learned counsel for the petitioner herein that the issue in the present writ petition is squarely covered by the orders of this Court in W.P.No.16422 of 2015, dated 01.07.2015 and a copy of the same is also placed on record along with the writ petition as material paper.

3. Following the above said judgment and for the reasons recorded therein, this Writ Petition is also allowed, in terms of the above said

order.

4. Miscellaneous petitions pending consideration, if any, in the Writ
Petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

20.04.2016

SS

*Note: Copy of the order in W.P.No.16422 of 2012,
dated 01.07.2015, shall be annexed.
B/o. SS*