

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No. 15389 of 2016

DATED 28th JUNE, 2016

BETWEEN

Sk.Jahangir

....Petitioner

And

The Telangana State Road Transport Corporation,
Musheerabad, Hyderabad,
Rep. by its Vice Chairman & Managing Director and ors.

..Respondents.

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No. 15389 of 2016

ORDER:

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The petitioner was appointed as a Driver in the respondents-Corporation on 14.10.1996 and his services were regularized on 01.08.1997. Subsequently he was declared unfit for A.1 category driver by issuing certificate on 22.11.2011 by the Medical Officer, APSRTC Hospital, Tarnaka, Hyderabad. Dissatisfied with the same, the petitioner preferred an appeal to the Medical Board, which by order dated 27.12.2011 rejected the said appeal. Pursuant to the same, the third respondent issued proceedings dated 5.3.2012 retiring the petitioner from

service on medical grounds. This Writ Petition is filed challenging order of the third respondent dated 5.3.2012 and seeking a direction to the respondents to provide alternative employment and to award monetary benefit of Rs.2,97,337/-

Pursuant to the declaration of the petitioner unfit to the post of A1 category driver, he submitted a representation on 29.02.2012 seeking to provide alternative employment and the same was rejected by the second respondent through proceedings dated 9.11.2012 on the ground that the disability suffered by the petitioner does not come under the purview of definitions under Sections 2(f) and 2(t) of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. However, the petitioner was paid Rs.2,97,337/- towards additional monetary benefit in lieu of alternative employment. Along with the said monetary benefit, the petitioner was also paid all retiral benefits.

The learned Counsel for the petitioner however submits that since the petitioner was declared unfit for the post of A1 category driver on 22.11.2011 and thereafter order dated 5.3.2012 was passed to retire from service on medical grounds, he is entitled to salary and other allowances from 22.11.2011 to 5.3.2012.

However, the learned Standing Counsel appearing for the respondents submits that all the retiral benefits consequent upon the retirement of the petitioner on medical grounds were paid and the respondents Corporations need not to pay any

other amount.

There is no dispute that the petitioner was initially declared unfit for the post of A1 category driver on 22.11.2011 and subsequently the same was confirmed by the Medical Board in the order dated 27.12.2011 passed in the appeal preferred by the petitioner. Ultimately by order dated 05.03.2012 he was directed to retire from service on medical grounds. However, from 22.11.2011 to 05.03.2012 the petitioner was not paid any salary even though he was in the service of the respondents-Corporation. This Court is of the opinion that denial of salary and other allowances to which the petitioner is entitled to while in service from 22.11.2011 to 05.03.2012 is illegal. This view of mine is supported by the decision of this Court rendered in Writ Petition No. 36337 of 2012 and Batch, dated 29.10.2016. In the circumstances, the respondents are directed to pay salary and other allowances to the petitioner for the period from 22.11.2011 to 05.03.2012 within a period of three months from the date of receipt of a copy of this order.

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

JUSTICE A.RAMALINGESWARA RAO

DATED 28th JUNE, 2016.

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