

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No. 13368 of 2016

DATED 28th JUNE, 2016

BETWEEN

A. Venkat Rajam Raju

....Petitioner

And

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

..Respondents.

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No. 13368 of 2016

ORDER:

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The petitioner was appointed as a Driver in the respondents-Corporation on 29.12.1973 and subsequently he was declared unfit by issuing certificate on 27.12.2011. He submitted an application on 29.12.2011 for re-examination and pursuant to the same, the second respondent asked him to appear before the Medical Officer, APSRTC Dispensary, Warangal on 13.3.2012 and the said hospital declared him unfit for the post of Driver in A1 category. He submitted another

application for medical examination at APSRTC Hospital, Tarnaka, Hyderabad. The said hospital by certificate dated 21.06.2012 confirmed the disability of the petitioner for A1 category driver. Ultimately the third respondent by an order dated 29.10.2012 directed the petitioner to retire from service on medical grounds. This Writ Petition was filed challenging the order dated 29.10.2012 and seeking to recon his retirement from 27.12.2011.

The learned Counsel for the petitioner submits that since the petitioner was declared unfit for the post of A1 category driver on 27.12.2011 and as he was subsequently asked to undergo several medical examinations and ultimately passed an order on 29.10.2012 to retire from service on medical grounds, he is entitled to salary and other allowances from 27.12.2011 to 29.10.2012.

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 27.12.2011 and subsequently he was subjected to medical examinations on 13.3.2012 and 21.06.2012 and ultimately by order dated 29.10.2012 he was directed to retire from service on medical grounds. However, from 27.12.2011 to 29.10.2012 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 27.12.2011 to 29.10.2012 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 27.12.2011 to 29.10.2012 within a period of three months from the date of receipt of a copy of this order.

The Writ Petition is accordingly disposed of. 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.

Msnr_x