

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.14607 OF 2010

ORDER:

The case of the petitioner is that he was appointed as driver on 22.02.1986 in the respondent Corporation and since then he was discharging his duties. While so, the petitioner was declared as medically unfit for the post of driver by the Medical Officer, Hindupur on 09.02.2006 due to NV & DV defect of both eyes. Even the Medical Board also declared the petitioner as medically unfit on 12.03.2006. Thereafter, the 2nd respondent hurriedly obtained some signatures on the blank papers and issued the proceedings dated 21.03.2006, retiring the petitioner from service. Thereafter, the petitioner made representation dated 05.07.2006 to the respondents to continue him in any alternative suitable post. But, the respondents till today have not considered the request of the petitioner. Aggrieved by the same, present writ petition is filed.

The respondent Corporation filed counter affidavit stating that the petitioner has opted for voluntary retirement on medical grounds and also requested for payment of Additional Monetary Benefit in lieu of alternative employment under the provisions of Section 47 of the Persons with Disabilities (Equal opportunities protection of rights and full participation) Act, 1995 which was witnessed by in-service

employees (1)P.Nabirasool, E.404086, Driver and (2) K.V.S.Saheb, E.409301, Driver of Dharmavaram depot. Basing on the said representation he was retired from service of the Corporation on medical grounds by the Depot Manager, Dharmavaram by officer order dated 21.03.2006. It is further submitted that all the settlement dues were paid to the petitioner as per his eligibility; that there is no merit in the contention of the petitioner that he submitted a representation dated 05.07.2006 to continue him in the alternative post; that he was declared unfit by the Medical Board by proceedings dated 12.03.2006 and that he was also submitted representation dated 26.08.2005 seeking voluntary retirement on medical grounds. It is also stated that the petitioner received the cheques of settlement of SBT on 10.05.2006, Additional Monetary Benefit on 03.06.2006 and Gratuity on 28.04.2006, thus, he was retired from service on medical grounds as per his own request and also settlement amounts were paid. Therefore, the petitioner is not entitled to seek any alternative employment under Section 47 of the Disabilities Act. Further, the petitioner categorically undertook that he shall not claim of alternative employment and received the lump sum amount by way of Additional Monetary Benefit, as such he cannot demand amount and claim of alternative employment as it amounts to double benefit.

Heard learned counsel for the petitioner and Sri A.Rama Rao, learned Standing Counsel for respondent Corporation.

The petitioner without stating the facts that he himself filed representation dated 26.08.2005 seeking voluntary retirement on medical grounds and that he also received additional monetary benefit in lieu of alternative employment, filed the present writ petition. The petitioner was aged 54 years at the time of filing the writ petition. Now, by efflux of time the petitioner also attained the age of superannuation. Writ petition is liable to be dismissed for suppression of above facts.

In view of the above facts and circumstances, the writ petition is dismissed. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any pending in the writ petition, shall stand closed.

11.11.2016
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A.RAJASHEKER REDDY, J