

HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.11014 of 2015

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DATED : 09.02.2016

Between:

Ch. Rangaiah S/o.Pochaiah,
Aged about 44 yrs, Occu : Record Tracer,
H.No.3-80, Sri Krishnanagar, A.C.C.Mancherial,
Adilabad, District.

.. Petitioner

AND

The A.P.State Road Transport Corporation,
Rep., by its Managing Director, Musheerabad,
Hyderabad & 2 others.

.. Respondents

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The Court made the following:

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ORDER:

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The petitioner originally appointed as driver in the year 1999 in the respondent Corporation and his services were regularized in the year 2007. On 26.02.2014 the Medical Board declared the petitioner as unfit to perform the duties as driver on account of his health condition i.e., Failed Back Syndrome. Later he was appointed as Record Tracer by proceedings dated 20.08.2014. This writ petition is filed praying to grant pay and allowances in the post of driver from 31.10.2013 to 20.08.2014 and to fix the pay and allowances in the category of record tracer duly taking note of the pay and allowances payable to the post of driver.

2. When the matter is taken up for consideration learned counsel for the petitioner stated that the subject matter of the writ petition is covered by the decision of this Court in W.P.No.36135 of 2015 & batch, dated 29.01.2016.

3. Learned Standing Counsel did not dispute the facts as urged in the writ petition on pay protection and payment of the pay and allowances for the period from 31.10.2013 to 20.08.2014.

4. This Court in W.P.No.36135 of 2015 & batch dated 29.01.2016, passed the following order :

“63. The points are answered in favor of the petitioners. The Writ Petitions are allowed. The following directions are issued:

1) All the drivers who are not assigned work after they were declared as medically unfit are entitled to pay and allowances attached to the post of Driver till they were retired from service / alternative job is provided to them. They shall be paid arrears of pay and allowances with 8% interest from the due date till the date of payment. This

direction is general and applicable to all Drivers. The Corporations shall undertake review of all such claims and shall ensure that no driver is denied pay and allowances on this issue. The order shall be complied within eight (8) weeks from the date of receipt of the copy of the Order.

2) Petitioners and all Drivers who are declared as unfit to drive on account of 'acquiring disability' while in service are entitled to provision of alternative job as a matter of course. The Corporations shall endeavor to provide alternative job of the same status. For any reason, alternative job of the same status is not possible and the drivers are adjusted in any other post, they shall be paid the same pay and allowances as were paid to them as Drivers including the annual increments.

3) If alternative job cannot be provided, the Drivers shall be kept in a supernumerary post until a suitable post is available or till he attains the age of superannuation whichever is earlier and shall be paid pay and allowances of the post of Drivers until they attained the age of superannuation.

4). These directions are applicable to all similarly situated drivers.

5. Following the said decision, this Writ petition is allowed and the respondents are directed to treat the period when the petitioner was put out of duty after he was declared as unfit and till he was granted alternative employment as "On Duty" and to pay, all the pay and allowances payable to the post of driver and grant pay protection as applicable to the post of driver in the category of record tracer. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date :9th February, 2016
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