

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

WRIT PETITION No.4793 of 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

“to issue writ of Mandamus to declare the action of the respondents in not providing me alternative employment as per Section 47 (I) of The Persons With Disabilities (Equal, Opportunities, Protection of Rights and Full Participation) Act 1995 and retiring me from service by holding that I am eligible for additional monetary benefit and not eligible for alternative employment as illegal and void, and consequently direct the respondents to provide alternative employment and to pay salary from the date of declaring me unfit to the post of Driver till providing alternative employment forthwith and to protect the pay scale of driver.”

When the matter is called, it is represented by learned counsel for the petitioner that the issue in the present writ petition is squarely covered by the orders of this Court in W.P.No.25577 of 2014 and batch, dated 23-07-2015 and a copy of the same has also been placed on record along with the writ petition as a material paper.

Following the above said order and for the reasons recorded therein, there shall a following similar order in this writ petition also:

“It is not possible for this Court to accept the contention urged by the learned Standing Counsel for the respondents that colour blindness is not disability as defined under section 2 of the Act, 1995 and the petitioners are not entitled for any alternative employment. The writ petitions are therefore must

succeed. The impugned orders passed by the respondent corporation retiring the petitioners from service are set aside and the respondents are directed to provide alternative employment to the petitioners.”

Accordingly, the Writ Petition is allowed. Miscellaneous Petitions pending, if any, shall stand closed. There shall be no order as to costs.

Office to annex copy of the order in W.P.No.25577 of 2014, dated 23-07-2015 along with this order.

A.V. SETHA SAI, J

March 16, 2016

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