

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.34995 of 2016

ORDER:

Heard the learned counsel for petitioner and Sri S.V.Ramana, learned Standing Counsel for APSRTC.

2. The petitioner has filed this Writ Petition challenging the order dt.22-06-2015 retiring the petitioner from the post of Driver on medical grounds (colour blindness) without extending to the petitioner the benefit under Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (for short “the Act”).

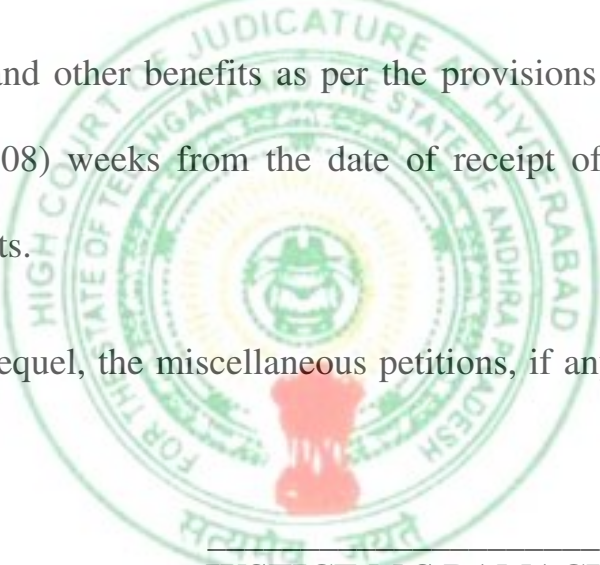
3. Learned counsel for petitioner contends that in view of Section 47 of the Act, it is obligatory on the part of the respondents to provide alternative employment as a Shramik or any other category in view of the judgments of this Court in W.A.No.1120 of 2015 and batch and W.P.No.24323 of 2012 and batch.

4. The issue raised in this Writ Petition is covered by the order dt.08-09-2016 in W.A.No.1120 of 2015 and batch. This judgment has been followed by a learned Single Judge of this Court in W.P.No.24323 of 2012 and batch. This fact is not disputed by the learned Standing Counsel for the APSRTC, but he states that a SLP has been preferred against the order passed by the Division Bench of this Court in Writ Appeals. It is not his case that any order has been

passed by the Supreme Court staying the judgment of the Division Bench of this Court.

5. Following the above two judgments, the Writ Petition is disposed of. The impugned order in so far as it denied the petitioner benefit of reemployment under Section 47 of the Act is set aside and direction is issued to the respondents to consider the case of petitioner of reemployment under Section 47 of the Act, since admittedly, the petitioner, who was a driver, has been declared unfit to perform the duty of driver on account of colour blindness, and provide employment and other benefits as per the provisions of the said Act within eight (08) weeks from the date of receipt of a copy of this order. No costs.

6. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.



JUSTICE M.S.RAMACHANDRA RAO

Date: 08-11-2016
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