

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

W.P.No.15529 of 2015

ORDER:

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

“To issue an appropriate writ or order or direction more particularly one in the nature of writ of Mandamus declaring the action of the Respondents in not fixing the pay of the petitioner in the pay scale of the post of Driver in the alternative post of Conductor and not extending the service benefits, is contrary to Section 47 (1) of the Persons with Disabilities Act, 1995, unjust, arbitrary , discriminatory and in violation of Article 14 and Article 21 of the Constitution of India and set aside the Proceedings No.E1/468(4)/2014-RM(T) dated 16.04.2014 to that extent and consequently, direct the Respondents to fix the pay of the petitioner in the pay scale of the post of Driver in the alternative post of Conductor, extend the service benefits by reckoning the interregnum period as on duty for the purpose of increments, leave and wages and reckon the seniority of the petitioner in the post of Driver also for the purpose of promotion to the post of Assistant Depot Clerk, in the interest of justice and fair play”.

2. Today, when the matter is taken up, it is submitted by the learned counsel for the petitioner that the issue in the present writ petition is squarely covered by the order passed by this Court in W.P.No.15520 of 2014 dated 8.7.2014 and a copy of the same is placed on record.

3. In view of the same, following the order passed in W.P.No.15520 of 2014 dated 8.7.2014 and in terms thereof, this writ petition is also allowed, directing the respondents to pay salary to the petitioner for the period from 6.8.2011 to 27.3.2012 and fix his scale of pay in the cadre of Conductor within a period of six weeks from the date of receipt of a copy of this order. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date: 1.3.2016
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