

HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.18576 of 2015

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DATED : 09.02.2016

Between:

Shaik Shadulla S/o.Abdul Rahaman,
Aged 47 yrs, R/o.13-100/2,
Bheemgal Village and Mandal,
Nizamabad District.

.. Petitioner

AND

The Telangana 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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HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.18576 of 2015

ORDER:

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The petitioner was appointed as conductor in the year 1989 in the respondent Corporation. On 29.04.2013 the APSRTC Hospital Tarnaka declared the petitioner as unfit to perform the duties as conductor on account of "Defective Distant Vision Both Eyes" and he was put out of duty with effect from 29.04.2013 and he was not provided alternative employment. The petitioner was also referred to the Medical Board and the Board has also declared the petitioner as unfit to perform the duties as conductor. This writ petition is filed to provide alternative employment and to pay the salary and allowances from 29.04.2013 onwards till the date of alternative employment is provided.

2. Pursuant to the interim orders passed by this Court on 25.06.2015, the petitioner is provided alternative post of Shramik and he joined the duty on 11.09.2015.

3. 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.

4. 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 29.04.2013 onwards till the date of alternative employment is provided

5. 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.

6. Following the said decision, this Writ petition is allowed and the respondents are directed to grant pay and allowances payable to the post of conductor from 29.04.2013 till he joined the duty as Shramik and to grant pay protection as available to the post of conductor in the Category of Shramik. 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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