

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WP.No.35005 of 2016

ORDER :

Heard the counsel for petitioner, and Sri P. Durga Prasad, learned Standing Counsel for Andhra Pradesh State Road Transport Corporation, for respondents.

2. The issue raised in this Writ Petition is admittedly covered by the order dt.29.01.2016 in W.P.Nos.36337 of 2012 and batch.

3. In the said batch, this Court dealt with the cases of drivers such as the petitioner herein who were declared medically unfit and who were re-employed as *Shramiks* and who were denied payment of salary from the date of their declaration as medically unfit till the date of re-employment.

4. It is not in dispute that petitioner's case also falls under the same category.

5. Therefore, the Writ Petition is disposed of in terms of the directions issued in the said order which are as under :

- (i) 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 (08) weeks from the date of receipt of a copy of this order.

(ii) 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.

(iii) 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 attain the age of superannuation.

(iv) These directions are applicable to all similarly situated drivers.

6. However, in respect of payment of arrears of pay and allowances to the petitioner, the respondents shall take into account

amount already paid towards such pay and allowances for the period-in-question.

7. Accordingly, the Writ Petition is disposed of with the above directions. No order as to costs.

8. As a sequel, miscellaneous petitions pending if any in this Writ Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 18-10-2016

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