

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.24051 of 2016

ORDER:

The petitioner states that he passed Intermediate and discontinued his degree course. He was initially selected as Conductor on 16.08.1988 and was sent for training. Subsequently, he was appointed as Conductor on 27.07.1988 and was posted at Gooty Depot. Thereafter he was posted at Kadiri Depot. He belongs to ST category. He further states that his both legs were fractured and he became handicapped due to an accident that occurred while performing his duties. He was found medically unfit to the post of Conductor. When an alternative post was not given, the petitioner filed W.P.No.38634 of 2012 and the same was disposed of on 17.12.2012 directing the respondents to provide alternative job to the petitioner on the ground of his medical invalidation. After several medical examinations and in the last medical examination he was found fit to perform the duties of Shramik by proceedings dated 03.04.2014. Accordingly, he was appointed as Shramik on 04.04.2014. He submitted a representation on 27.08.2014 requesting the second respondent to provide other suitable post i.e., Record Tracer, Controller, Booking Clerk and Assistant Depot Clerk under physically handicapped quota. When the said representation was not considered, the petitioner filed W.P.No.36828 of 2014. The said Writ Petition was admitted and this Court, by order dated 02.12.2014 in W.P.M.P.No.46092 of 2014, directed the respondents to consider the petitioner's representation and provide suitable post to the petitioner. After the said order the petitioner submitted a representation on 11.12.2014. The second respondent passed orders on 17.02.2015 holding that the petitioner was fit to the post of Shramik. Challenging the same, the petitioner filed W.P.No.9439 of 2015 and the said Writ Petition was disposed of on 06.04.2016 directing the respondents to refer the case of the petitioner to the Medical Board within a period of one month. Pursuant to the said order, the petitioner submitted a representation, but

the same was not considered. However, he made a representation on 04.06.2016 with regard to the filling up of the post of ADC/Controller from the rank of Conductors/Drivers/Mechanics and when willingness was called on 14.07.2016, the present Writ Petition is filed.

It is clear that this is the fourth round of litigation consequent to the declaration of the petitioner unfit to the post of Conductor and the present grievance of the petitioner is with regard to the order of the Regional Manager, dated 14.07.2016, calling for personal records along with willingness from the respective Depot Managers for building up a panel for the post of ADC/Controller from the rank of Conductor/Mechanics/ Drivers in Hindupuramu Division of Anantapuramu Region.

Learned Counsel for the petitioner submits that the panel is prepared without including the name of the petitioner.

A perusal of the impugned order dated 14.07.2016 does not show that the panel was prepared and what was called is only personal records along with willingness.

In the circumstances, it is open to the petitioner to submit a representation to the concerned Depot Manager justifying his case for sending his personal record and the concerned Depot Manager, on the receipt of such representation within a period of one week from the date of receipt of a copy of this order, shall consider the case and pass appropriate orders/take action pursuant to the circular issued by the Regional Manager, Anantapuramu, dated 14.07.2016, within a period of two weeks thereafter.

The Writ Petition is, accordingly, disposed of. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

26.07.2016

Note: Issue C.C in two days.

B/o.

vs