

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.3253 of 2011

ORDER:

Heard the learned counsel for petitioner and the learned Standing Counsel for respondents.

2. The petitioner was appointed as a driver in the first respondent Corporation vide proceedings of the second respondent dated 05.03.1986. While so, during the periodical medical check up which was conducted on 05.11.1993, he was found unfit for service in Class A1 in the designation of driver. The third respondent issued proceedings on 12.11.1993 placing the petitioner on forced leave with effect from 05.11.1993 to 04.11.1994. The petitioner submitted a representation on 01.12.1993 to the third respondent for providing suitable alternative employment. Instead of providing alternative employment, the petitioner was ordered to be retired from service by virtue of proceedings of the second respondent dated 05.11.1994. Challenging the said proceedings, the petitioner filed W.P.No.3747 of 1995 and the said writ petition was allowed on 12.06.1997 by this Court with the following observation.

“ Hence, the writ petition is allowed directing the respondents to provide an alternative employment, in the suitable post, to the petitioner in the Corporation until he attains the age of superannuation. Regarding the terminal benefits, he is entitled to all the terminal benefits and other monetary benefits attached to the post of Driver. The order shall be complied within three months from the date of this order. No costs.”

3. Thereafter also, the petitioner was not provided any alternative employment, but it was intimated to the petitioner on 03.12.1997 stating that his name was placed at Sl.No.20 of the list of employees who should be provided alternative employment as Cleaner. The petitioner filed another writ petition in W.P.No.3964 of 1999 for implementation of the orders in W.P.No.3747 of 1995 and the said writ petition was dismissed on 01.07.1999 giving liberty to the petitioner to file a contempt case. But, the petitioner states that in view of his financial position, other

circumstances and on the basis of assurance given by the respondents, he did not file contempt case. In the meanwhile, his date of retirement on attaining the age of superannuation arrived and accordingly he retired on 30.11.2010. The present writ petition was filed challenging the action of the respondents in not providing the alternative employment as per the directions of this Court in W.P.No.3747 of 1995 dated 12.06.1997.

4. It has to be noted that W.P.No.3964 of 1999 filed for similar relief was dismissed by this Court on 01.03.1999. Even though the petitioner was given liberty to file a contempt case, he did not do so and filed the present writ petition after 12 years of dismissal of the said writ petition. The petitioner already attained the age of superannuation on 30.11.2010.

5. It is brought to the notice of this Court that the cases of retirement on medical grounds are regulated in Regulation No.6A of the Service Regulations of the APSRTC and in fact the petitioner was issued a communication on 23.01.2016 stating that the details of the due amount payable to him towards settlement of PF, SBT, SRBS, CCS & Gratuity will be informed soon after receipt of the same from the Secretaries concerned.

6. In the circumstances, this Court cannot grant the relief as sought for by the petitioner. This writ petition is disposed of with a direction to the respondents to settle the retirement benefits of the petitioner as per the Service Regulations of the APSRTC within a period of two months from the date of receipt of a copy of this order. No order as to costs. Miscellaneous Petitions, if any pending, shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 17.02.2016
TJMR