

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

WRIT PETITION No.7446 OF 2016

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India for the following relief:

“to issue writ, order or directions more in the nature of Writ of Mandamus declaring the Letter No. SP/19(MB3)/2016-AP, dated; 23-2-2016 passed by respondents in declaring the petitioner unfit for all other categories as per the Medical standards of APSRTC without offering and providing any suitable alternative employment to the petitioner as per the Section 47 of The Persons with Disabilities (Equal Opportunities, Protection of Rights and full Participation) Act 1995 as illegal and arbitrary and set aside the same and further direct the respondents herein to provide any suitable alternative employment to the petitioner as per the qualification as per Law and The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act 1995 including all service benefits of RTC constable and payment of salaries for out of employment period and pass such other order or orders in the interest of justice as otherwise, petitioner may put irreparable loss and hardship.”

2. Heard Sri P.Govinda Rajulu, learned counsel, appearing for the petitioner and learned standing counsel for the respondents.

3. The Medical Board, vide proceedings No.SP/19 (M.B.3)/2016-AP, dated 23.02.2016, found the petitioner, RTC constable, unfit for the post of RTC constable in W1 category as per the Medical Standards of A.P.S.R.T.C. The complaint of the writ petitioner is that no alternative employment has been provided to the petitioner herein as per the provisions of Section 47(1) of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

4. During the course of hearing, it is submitted by the learned standing counsel that the petitioner herein can make a representation to the respondent authorities for redressal of his grievance and if it is submitted, the same will be considered and appropriate action be taken in accordance with law.

5. In view of the above, Writ Petition stands disposed of, keeping it open for the petitioner to make a representation to the respondents for providing alternative employment under the provisions of Section 47(1) of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, within a period of one week from the date of receipt of a copy of this order and if any such representation is made, the same be considered and appropriate orders be passed by the respondents, in accordance with law, within a period of one month thereafter.

6. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

09.03.2016

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