

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WP.No.57 of 2013

ORDER :

This Writ Petition has been filed by petitioner who was engaged on contract basis as a conductor and who seeks the benefit of Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (**for short, 'the Act'**).

2. The petitioner contends that he was conductor in a bus which met with a fatal accident in which he lost his right eye, that he was declared medically unfit by the Hospital of 1st respondent for the post of conductor on 21.01.2010, but he has not been provided rehabilitation under the Act referred to above.

3. The counsel for petitioner places reliance on the common order dt.17.06.2016 in WP.No.28819 of 2014 and batch as well as the order dt.19.10.2011 in WP.No.3620 of 2011 of the Bombay High Court Bench at Nagpur, **R.B. Naik v. Vice Chairman and M.D., APSRTC¹**, and the interim order dt.07.11.2012 in WPMP.Nos.8403 & 24602 of 2012 in WP.No.6627 of 2012.

4. The learned Standing Counsel, appearing on behalf of respondents, states that the Judgment in WP.No.28819 of 2014 and batch was challenged in W.A.No.920 of 2016 by the respondents

¹ 2014 (4) ALT 696

herein, and on 26.09.2016 interim stay of operation of the judgment in WP.No.28819 of 2014 is granted.

5. A reading of the order dt.17.06.2016 in WP.No.28819 of 2014 and batch shows that the learned Judge has elaborately considered the issue of applicability of Section 47 of the Act to persons employed on contract basis in the 1st respondent-Organization.

6. Therefore, for reasons alike, this Writ Petition is also allowed, and the respondents are directed to provide suitable alternative employment to petitioner with same pay and benefits which he was drawing in the post of conductor as on the date of acquiring the disability during employment. In case, suitable post is not available he shall be placed under a supernumerary post till availability of suitable post, or till attaining the age of superannuation, with consequential benefits.

7. Accordingly, the Writ Petition is allowed as above. No order as to costs.

JUSTICE M.S.RAMACHANDRA RAO

Date: 13-12-2016

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