

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.10511 of 2014

ORDER:

1 . The petitioner joined service of the respondent corporation as a driver in the year 1992 after undergoing due process of selection. His services were regularized with effect from 01.08.1994. However, he was ordered to retire from service with effect from 26.07.2010 by order dated 08.02.2011 on the ground of medical invalidation. It is the case of the petitioner that initially he was referred to local hospital, Tirupathi, where he was examined on 16.09.2010. Thereafter, he was referred to the APSRTC hospital, Tarnaka, Hyderabad, in October, 2010 and the appellate Board rejected his case stating that he is not fit for continuing as a driver. Later on, he was taken treatment in MGR hospital, Chennai and also Sri Venkateswara Institute of Medical Science, Tirupathi, and he became fit. He submitted a representation on 15.11.2013 stating that he was retired on medical invalidation ground due to improper treatment given by the respondent corporation in its hospitals and since he became fit by taking proper treatment from other hospitals after retirement, he asked for appointment. When the said representation was not considered, the petitioner filed the present writ petition challenging the order of the 3rd respondent dated 08.02.2011 retiring him from service on medical unfitness with effect from 26.07.2010.

2. Learned Counsel for the petitioner placed reliance on a decision of the learned single Judge of this Court in W.P.No.12830 of 2009 dated 17.02.2012 and confirmed in W.A.No.1082 of 2012 dated 05.09.2013. He submitted that it is

the bounden duty of the respondents to educate the employee and implement the provisions of Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

3. Learned Standing Counsel for the respondents by placing the record before this Court submitted that the petitioner himself submitted letters on 24.11.2010 and 07.02.2011 expressing his unwillingness to work in any other capacity and asked for settlement of his accounts and accordingly all his monetary benefits were paid to him. He submitted that when a similar direction was granted in W.P.No.39391 of 2013 on 07.10.2014, a Division Bench of this Court in W.A.No.155 of 2015 granted interim stay of the said order on 04.03.2015 and the Writ Appeal is pending in this Court.

4. Though the petitioner submitted letters in 2010 and 2011, it is the case of the petitioner that he became fit after taking treatment in other hospitals and accordingly he submitted a representation on 15.11.2013. In view of the pendency of the said representation, this Court, without going into the merits of the case, directs the respondents to consider the same and pass appropriate orders thereon within a period of three months from the date of receipt of a copy of this order.

5. The Writ Petition is accordingly disposed of. No order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

A.RAMALINGESWARA RAO, J

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