

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 20667 of 2016

Order:

The petitioner was appointed as Conductor in the erstwhile APSRTC in the year 1987 and he served the Corporation for 29 years. During periodical medical examination it is noticed that the petitioner was suffering from "BIPOLAR DISORDER". He was declared as unfit to the post of Conductor by virtue of medical certificate issued on 24.03.2016. Then the petitioner asked for providing alternative employment in view of his medical condition. When no orders were passed, the present Writ Petition was filed.

2. Even after taking three adjournments, no counter affidavit is filed on behalf of the respondents.

3. The matter relating to the providing of alternative employment in case of persons with disability is no longer *res integra* as this Court in WP No.36337 of 2015 and batch dated 29.01.2016 disposed of several cases with the following directions.

"1. All the drivers who are not assigned work after they were declared as medically unfit are entitled to pay and allowances attached to the post of Driver till they were retired from service/alternative job is provided to them. They shall be paid arrears of pay and allowances with 8% interest from the due date till the date of payment. This direction is general and applicable to all Drivers. The Corporations shall undertake review of all such claims and shall ensure that no driver is denied pay and allowances on this issue. The order shall be complied within eight (8) weeks from the date of receipt of a copy of the order.

2. Petitioners and all Drivers who are declared as unfit to drive on account of 'acquiring disability' while in service are entitled to provision of alternative job as a matter of course. The Corporations shall endeavour to provide alternative job of the same status. For any reason, alternative job of the same status is not possible and the drivers are adjusted in

any other post, they shall be paid the same pay and allowances as were paid to them as Drivers including the annual increments.

3. If alternative job cannot be provided; the Drivers shall be kept in a supernumerary post until a suitable post is available or till he attains the age of superannuation whichever is earlier and shall be paid pay and allowances of the post of Drivers until they attained the age of superannuation.

4. These directions are applicable to all similarly situated drivers.

4. Hence, this Writ Petition is also disposed of with the above directions. There shall be no order as to costs.

5. As a sequel thereto, the miscellaneous applications, if any, pending in this Writ Petition shall stand closed.

A.
Date: 16.08.2016
Nsr

RAMALINGESWARA RAO, J