

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.17149 of 2016

ORDER

This writ petition is filed seeking to declare the action of the respondents in fixing the pay of the petitioner in the category of Record Tracer and not paying the salary from 2.1.2014 to 23.09.2014 to the petitioner as arbitrary and illegal.

The petitioner was appointed as Driver in the respondent-Corporation in the year 2007. While driving the bus on 23.11.2009, the same met with an accident due to which, the petitioner was declared as unfit to work as a Driver. Hence, he submitted a representation for providing him an alternative employment. The respondent-Corporation *vide* proceedings dated 23.09.2014 provided him the alternative employment of Record Tracer and posted him in the office of the Depot Manager, Khammam. But, his pay was not fixed in the cadre of Driver and no salary was paid to him from the date on which he was declared unfit till the date of his appointment as Record Tracer viz., 2.1.2014 to 23.09.2014. Challenging the inaction on the part of the respondents, the present writ petition was filed.

The said issue was considered and decided in a batch of cases *vide* W.P.No.36337 of 2015, dated

29.1.2016. In the said order, it was held as follows:

“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.

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.

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.

These directions are applicable to all similarly situated drivers.”

In view of the same and in the absence of the respondents filing any counter-affidavit in spite of granting two adjournments, this Writ Petition is allowed in terms of the above direction. No costs.

Miscellaneous petitions, if any, pending in this

writ petition shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

18th July, 2016

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