

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH

THURSDAY, THE FOURTH DAY OF FEBRUARY TWO
THOUSAND AND SIXTEEN

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Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

-
WRIT PETITION No.3610 of 2014

Between:

M.M. Khaleem, S/o. Mohd. Ghousuddin,
Aged about 49 years, Occ: Shramik,
R/o. H.No.10-10-1085/2, 80 Quarters,
Nagaram, Nizamabad.

.. Petitioner

AND

The A.P. State Road Transport Corporation,
Rep. by its Managing Director,
Musheerabad, Hyderabad & 2 others

.. Respondents

The Court made the following:

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HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.3610 of 2014

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ORDER:

The petitioner was declared as medically unfit to work as driver. As a consequence, the petitioner was provided alternative employment as Sramik. The grievance of the petitioner is that he is not granted pay protection as drawn by him in the cadre of driver and he was not paid salary for the period from 01.03.2012 to 04.10.2012, during which period he was put off duty as a consequence to declaring him as unfit.

2. When the matter is taken up, learned counsel for the petitioner stated that the subject matter of the writ petition is covered by the decision of this Court in W.P.No.36135 of 2015 & batch, dated 29.01.2016.

3. Learned Standing Counsel did not dispute the facts as urged in the writ petition on pay protection and payment of the pay and allowances for the period from 01.03.2012 to 04.10.2012.

4. This Court in W.P.No.36135 of 2015 & batch, dated 29.01.2016, passed the following order:

“63. The points are answered in favor of the petitioners. The Writ Petitions are allowed. The following directions are issued:

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 the 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 endeavor 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.

Miscellaneous petitions, if any, pending in these writ petitions shall stand closed. There shall be no order as to costs."

5. Following the above decision, the Writ Petition is allowed. The respondent Corporation is directed to grant the pay protection to the petitioner as was drawn by him in the cadre of driver and continue to grant the pay and allowances as payable to driver and also pay the salary and allowances payable in the cadre of driver for the period from 01.03.2012 to 04.10.2012. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition, shall stand closed.

P.NAVEEN RAO, J

Date: 4th February, 2016

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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