

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.NO.21888 OF 2014

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ORDER:

This writ petition, filed under Article 226 of the Constitution of India, assails the action of the respondents in not paying the salary from 08.04.2008 to 18.06.2010 and fixing the pay in the post of Record Tracer as illegal, arbitrary, contrary to the provisions of the A.P.S.R.T.C Service Regulations and Act 1 of 1996 i.e., The persons with Disabilities (Equal, Opportunities, Protection of Rights and Full Partition) Act, 1995.

Heard Sri A.Jagan, learned counsel for the petitioner, Sri B.Mayur Reddy, learned Standing counsel for respondents' corporation and perused the material available before the Court.

Petitioner herein was appointed as driver in the respondents' corporation in the year 1995. Followed by an accident, the petitioner was declared unfit to the post of driver by the medical authorities vide letter No.O/144224, dated 16.09.2009 and was also declared unfit by the Superintendent, APSRTC Hospital, Tarnaka, Hyderabad vide letter No.DSP3/19(599PDL)/09-TH, dated 07.12.2009. Subsequently, the respondents corporation by way of office order bearing No.E2/754(1)/2010-RM:ADB, dated 16.06.2010 provided alternative appointment to the petitioner as Record Tracer. Thereafter, the petitioner joined as Record Tracer on 18.06.2010.

The grievance of the petitioner in the present writ petition is non-protection of his pay scales in the category of driver and non-payment of the same for the period from 08.04.2008 to 18.06.2010.

During the course of hearing, an order passed by this Court

in W.P.No.35279 of 2013 and batch, dated 09.09.2015 has been placed on record by the learned counsel for the petitioner and paragraph 12 of the said order reads as under:

“As regards the other question, this Court has already taken a view in some cases that for the purpose computing the interregnum period, during which the employee is entitled for the salary, the date on which the employee was initially declared unfit has to be taken into consideration. Therefore, in all these cases if the petitioners are not provided with any alternative employment, the respondents are directed to provide them alternative employment within a period of two months from the date of receipt of a copy of this order and maintain the pay scale in the time scale of the post in which they were originally working and also pay them the salaries for the interregnum period from the date on which they were initially declared unfit till they were provided with alternative employment.”

Following the above said order and for the reasons recorded therein, this Writ Petition is disposed of directing the respondents to maintain the pay scale in the time scale of the post in which the petitioner was originally working and also pay him the salary for the interregnum period from the date on which he was initially declared unfit till he was provided with alternative employment. This exercise shall be completed within a period of (8) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

A.V.SESHA SAI, J

08.03.2016
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HON'BLE SRI JUSTICE A.V.SESHA SAI

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