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

**WRIT PETITION No.3022 of 2015**

**ORDER**:

This Writ Petition is filed under Article 226 of the Constitution of India for the following relief:

> "To issue a writ or order or direction more particularly one in the nature of Writ of Mandamus declaring that the action of the respondents in declaring the petitioner unfit to the all the post in APSRTC is bad, arbitrary, illegal, unjust and unreasonable by setting aside Office Order No. E2/469(2)/2012-SKHT dt. 28-10-2014 of 3rd respondent herein and consequently direct the respondents to provide alternative suitable job to the petitioner forthwith by paying the arrears of the salary which are due to the petitioner."

2. Heard, Sri P.Venkateshwer Rao, learned counsel for the petitioner and Sri N. Vasudeva Reddy, learned Standing Counsel for respondents.

3. When the matter is called, it is represented by the learned counsel for the petitioner so also the learned Standing Counsel for respondents corporation that the issue in the present Writ Petition is squarely covered by the orders of this Court in W.P.No.36337 of 2012 and batch, dated 29-01-2016 and a copy of the same is also placed on record as material paper. The operative portion of the said order at Paragraph No.63 of the said order reads as under:

> "63. The points are answered in favour 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."

4. Following the above said common order and for the reasons recorded therein, this Writ Petition is also allowed, in terms thereof. Miscellaneous Petitions pending, if any, shall stand closed. There shall be no order as to costs.

**A.V. SESHA SAI, J**

Date:19.04.2016

Note:Office to annex copy of the
common order dated 29-01-2016
in W.P.No.36337 of 2012 and batch with this order.
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**THE HON'BLE SRI JUSTICE A.V. SESHA SAI**

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Dated 19th April 2016

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