

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

WRIT PETITION No.7651 OF 2016

ORDER:

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

“to issue writ, order or directions more in the nature of Writ of Mandamus declaring the action of the respondents herein in not offering and providing any suitable alternative employment in place of Driver by protecting the service benefits of Driver as per the Section 47 of The Persons with Disabilities (Equal Opportunities, Protection of Rights and full Participation) Act 1995 as illegal and arbitrary and set aside the same and further direct the respondents herein to provide any suitable alternative employment to the petitioner as per Law and The Persons with Disabilities (Equal Opportunities, Protection of Rights and 'Full Participation) Act 1995 and judgments of this Hon'ble court by protecting all service benefits of Driver including payment of salaries for out of employment period i.e., from the date of declaring unfit for the post of Driver to proving suitable alternative employment and pass such other order or orders in the interest of justice as otherwise, petitioner may put irreparable loss and hardship.”

2. When the matter is called, it is represented by learned counsel for the petitioner that the issue in the present writ petition is squarely covered by the orders of this Court in W.P.No.25577 of 2014 and batch, dated 23.07.2015 and a copy of the same has also been placed on record along with the writ petition as a material paper.

3. Following the above said order and for the reasons recorded therein, there shall a following similar order in this writ petition also.

“It is not possible for this Court to accept the contention urged by the learned Standing Counsel for the respondents that colour blindness is not disability as

defined under section 2 of the Act,1995 and the petitioners are not entitled for any alternative employment. The writ petitions are therefore must succeed. The impugned orders passed by the respondent corporation retiring the petitioners from service are set aside and the respondents are directed to provide alternative employment to the petitioners.”

4 . Accordingly, the Writ Petition is allowed. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

10.03.2016

SS

*Note: Copy of the order in W.P.No.25577 of 2014,
dated 23.07.2015, shall be annexed.*

B/o. SS