

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 20065 of 2016

Order:

The petitioner states that he joined the service of the respondent-Corporation as Driver in December 1985 after undergoing due process of selection. Subsequently, his services were regularized with effect from 07.08.1988. While so, he fell sick in August 2014 and he took treatment in the RTC Hospital, Tarnaka, from 12.08.2014. He intimated to the third respondent with regard to sickness and he continued his treatment till 07.06.2015. The Doctor advised him to take lighter duties as he is unable to walk without support. However, when the doctor gave a fitness certificate on 27.05.2015, he submitted a representation for entrusting lighter duties and on the basis of the same the first respondent issued proceedings on 29.05.2015 directing the second respondent to adjust him in other post as out of designation basis. He is working in the third respondent Depot as Store ADC as out of designation basis. When the third respondent is directing him to do the duties of Driver and as he is unable to walk without the help of stick, he wanted continuance in the same post of Store ADC. He also states that he is due for retirement within two years and he is in the zone of consideration for the promotion post of ADC. In those circumstances, he filed the present Writ Petition challenging the action of the respondents in forcing him to do the duties of Driver.

2. This Court noticed that the said fact was not brought to the notice of the respondents and, accordingly, learned counsel for the petitioner took two weeks time and now he submits that a representation was made on 18.07.2016 for continuing the petitioner in the post of ADC in Stores or in any other light duty other than the post of Driver. The said representation is received by the first respondent on 20.07.2016.

3. In view of the same, without going into the merits of the case, since it is for the authorities to take action, this Writ Petition is disposed

of directing the first respondent to consider the representation of the petitioner dated 18.07.2016 and pass appropriate orders thereon within a period of six (6) weeks from the date of receipt of a copy of this order. However, it is made clear that the petitioner shall not be disturbed from the existing post in the meanwhile.

4. The Writ Petition is, accordingly, disposed of. There shall be no order as to costs.

5. As a sequel thereto, the miscellaneous applications, if any, pending in this Writ Petition shall stand closed.

A.
Date: 28.07.2016
Nsr

RAMALINGESWARA RAO, J