

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

W.P.No.35651 of 2014

ORDER:

This writ petition is filed under Article 226 of the Constitution of India, seeking 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 not paying the salary for the period from 30-10-2008 to 09-03-2009 and adjusting the petitioner's earned leaves to the period from 30-10-2008 to 19-02-2009 (112 days) is bad, arbitrary, illegal, unjust and contrary to the Judgments of this Court and consequently direct the respondents to pay the salary for the above said 1st period and also repay the leave encashment of 112 days”.

2. Today, when the matter is called, it is represented by the learned Standing Counsel appearing Respondent-Corporation that the issue in the present writ petition is squarely covered by the common order passed by this Court in W.P.No.36337 of 2012 and batch dated 29.1.2016 and a copy of the same is placed on record by the learned Standing Counsel. The operative portion of the said order reads as under:

“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 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

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11.4.2016

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