

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.30351 of 2014

ORDER

This writ petition is filed seeking to declare the action of the respondents in not providing alternative post of Record Tracer to the petitioner in the light of the Circular No.PD-09/2009, dated 4.3.2009 as arbitrary and illegal.

Though the writ petition was admitted on 13.10.2014, no counter-affidavit is filed so far. In the circumstances and in view of the nature of the relief sought for, this writ petition is disposed of after hearing the counsel for the parties.

The petitioner was appointed as Driver in the respondent-Corporation in 1989. While working at Sattenapalli Depot, Guntur District, he was declared unfit for the post of Driver during the course of periodical examination. The 3rd respondent forcibly retired him from service on medical grounds with effect from 9.10.2002. Sub-clause 4 of Regulation 6-A of APSRTC Employees Service Regulations, 1964, provides for offer of alternative employment for which the employees are qualified. The petitioner filed W.P.No.17404 of 2005 challenging the action of the respondent in not providing alternative employment and this Court by order dated 12.10.2007 in WPMP

No.22144 of 2005 directed the respondents to consider the case of the petitioner for providing alternative employment. In pursuance of the same, the respondent-Corporation passed order on 3.6.2008 directing the petitioner to pay back an amount of Rs.86,688/- received by him towards additional monetary benefits so as to consider his case for alternative employment as per the directions of this Court. Pursuant thereto, the petitioner *vide* representation dated 6.6.2008 approached the 2nd respondent to consider his case sympathetically and provide him alternative employment and deduct an amount of Rs.86,688/- from out of his salary every month at the rate of 1/3rd of his basic salary till the amount is totally cleared. When no orders were passed on his representation, he filed WPMP No.15504 of 2008 in WP No.17404 of 2005 and this Court *vide* order dated 23.06.2008 enabled the petitioner to file fresh representation to the second respondent. Accordingly, he submitted another representation seeking consideration of his case for Record Tracer and when the same was not considered, the present writ petition is filed.

Learned Standing Counsel on the other hand submits that though the petitioner was retired on medical grounds, he was provided with alternative employment of Shramic and he is not entitled for any

relief. He further submits that the claim of the petitioner for consideration of his case as Record Tracer is altogether on a different footing and if he is entitled, his case would be considered in accordance with law.

In the circumstances, the writ petition is disposed of directing the respondents to consider the case of the petitioner pursuant to his representation dated 16.6.2014 and pass appropriate orders in accordance with law within a period of six months from the date of receipt of a copy of this order. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

22nd June, 2016
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