

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

W.P.No.33694 of 2015

ORDER:

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This writ petition is filed under Article 226 of the Constitution of India, seeking the following relief:

“To issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondent in not paying the salary to the petitioner from the date of unfit to till the date of providing alternative employment i.e., w.e.f., 12.09.2006 to 15.12.2012 as illegal, arbitrary and unjust and consequently direct the respondent to pay salary to the petitioner from the date of unfit to till the date of providing alternative employment i.e., w.e.f., 12.09.2006 to 15.12.2012”

2. Today, when the matter is called, it is represented by Sri N.Vasudeva Reddy, 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

shall endeavour 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.

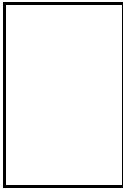
3) If alternative job cannot be provided; the Drivers shall be kept in a supernumerary post until a suitable post is available or till he attains the age of superannuation, whichever is earlier and shall be paid pay and allowances of the post of Drivers until they attained the age of superannuation.

4) These directions are applicable to all similarly situated drivers”.

3. Following the above referred order and for the reasons recorded therein, this writ petition is also allowed in terms of the above mentioned order dated 29.1.2016. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date: 6.4.2016
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THE HON'BLE SRI JUSTICE A.V.SESHA SAI

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