

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

WRIT PETITION No.12341 OF 2016

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India for 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 providing alternate employment to the petitioner is bad, arbitrary, illegal, unjust and violation of Section 47 of Persons with Disabilities (Equal Opportunities, Protection of Rights and full participation) Act 1995 by setting aside the Retirement Order No. P1/693(1)/2016-HYT-2 dt. 04-04-2016 of the

3rd respondent herein in so far the wording not eligible for alternative employment and consequently direct the respondents to treat the period from 03-11-2015 to 04-04-2016 as on duty for all purposes by paying the full salary and also to pay medical leave amount which was adjusted and pass such other order or orders which this court deems fit and proper.”

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

Operative portion of the said common order reads as under:

“For the foregoing reasons, 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.
Accordingly, the writ petitions are allowed."*

3. Following the above said judgment and for the reasons recorded therein, this Writ Petition is also allowed, in terms of the above said order.

4. 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

20.04.2016
SS

*Note: Copy of the order in W.P.No.25577 of 2014 and batch,
dated 23.07.2015, shall be annexed.
B/o. SS*