

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No.33370 of 2016

Order:

The present Writ Petition is filed seeking the following relief.

“To issue a Writ of Mandamus declaring the action of the respondents in not fixing the pay of the petitioner in the pay scale of the post of Driver in the alternative post of Conductor and not extending the service benefits is contrary to Section 47 (1) of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (for short 'the Act'), unjust, arbitrary, discriminatory and in violation of Articles 14 and 21 of the Constitution of India and set aside the proceedings No.E1/468(6)/2015-RM(T) dated 15.09.2015 to that extent and consequently direct the respondents to fix the pay of the petitioner in the pay scale of the post of Driver in the alternative post of Conductor and extend the service benefits by reckoning the interregnum period as on duty for the purpose of increments, leave and wages and reckon the seniority of the petitioner in the post of driver also for the purpose of promotion to the post of Assistant Depot Clerk.”

2. When the matter is taken up for admission, it is submitted by the learned counsel for the petitioner and admitted to by the learned Standing Counsel for the respondent-Corporation that the subject matter of the present Writ Petition is squarely covered by the common order passed by this Court in W.P.No.24323 of 2012 and batch, dated 21.09.2016, wherein it was observed as follows.

“5. In view of the above, the respondents are directed to examine each individual case and take necessary steps for implementing the provisions of the Act in the light of the order passed by the learned single Judge and as confirmed by a Division Bench, within a period of three months from the date of receipt of a copy of this order. The petitioners are entitled to move this Court under Contempt of Courts Act if the individual cases are not considered and the above order is not implemented. In case of non application of this order in respect of any case, the respondents are at liberty to pass a speaking order.

6. Accordingly, all the writ petitions are disposed of. No order as to costs.”

3. In view of the above, this Writ Petition is also disposed of in accordance with and in terms of the order in W.P.No.24323 of 2012 and batch, dated 21.09.2016. There shall be no order as to costs.

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

A. RAMALINGESWARA RAO, J

Date: 29.09.2016

Note:

Registry is directed to attach the order copy in W.P.No.24323 of 2012 and batch, dated 21.09.2016 to this order.

(B/o)
Nsr

