

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WP.No.38713 of 2016

ORDER:

Petitioner was appointed as Driver in the year 1992 in 1st respondent-Corporation. He was declared medically unfit on the ground of his defective vision on 08.07.2009 by the Senior Medical Officer, Anantapuram and this was confirmed by the Medical Board on 04.05.2010.

2. Petitioner made a representation to the 2nd respondent to provide him alternative employment.

3. Accepting the petitioner's request, the 2nd respondent appointed the petitioner as Shramik on 19.07.2010.

4. Petitioner contends that in view of the first proviso to sub-section (1) of Section (47) of Persons with Disabilities (Equal opportunities, protection of Rights and Full participation) Act, 1995, petitioner's pay scale and service benefits ought to have been protected, even though he is discharging duties as a Shramik.

5. The Sanding Counsel for respondents states that in view of the above provision of law, the petitioner's pay scale and service benefits when he was working as a driver are required to be protected even though he is appointed as a Shramik subsequently.

6. In view of the above, the respondents are directed to fix the petitioner's salary in the post of Shramik by protecting his

pay scale and providing him other service benefits in the post of Driver. However, no monetary benefit on this count shall be paid for the period between 08.07.2009 till date, in view of the fact that the petitioner had approached this Court with a delay of six years.

7. The Writ Petition is allowed to the above extent. There shall be no order as to costs.

8. Consequently, miscellaneous petitions pending, if any, in this Writ Petition shall stand closed.

M.S.RAMACHANDRA RAO, J

10th November, 2016.
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