

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SMT.JUSTICE T. RAJANI

Writ Appeal No.1013 of 2017 and Writ Petition No. 31899 of 2010

Common Judgment: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

W.A. No. 1013 of 2017 is filed by the Telangana State Road Transport Corporation aggrieved by the order of the learned Single Judge in W.P. No. 43143 of 2015 dated 21.9.2016. The said writ petition was disposed of, along with the batch of writ petitions, by the learned Single Judge by his common order dated 21.9.2016. Against the said order, W.A. No. 380 of 2017 and batch was filed and was disposed by a common order dated 5.6.2017 following the judgment of the Supreme Court in Civil Appeal No. 3529 of 2017 and batch dated 23.2.2017.

Sri S.M. Subhan, learned counsel for the respondent-writ petitioner, would however contend that, pursuant to the interim order passed by this Court in W.P.M.P. No. 40352 of 2010 dated 30.12.2010, the respondent-writ petitioner was appointed in an alternative post by the appellant-Corporation on his refunding the amount received by him towards additional monetary benefits in lieu of alternative employment.

Both Sri S.M. Subhan, learned counsel for the respondent-writ petitioner, and Sri B. Mayur Reddy, learned Standing Counsel for the appellant-Corporation, agree that the respondent-writ petitioner was provided alternative employment, and has since retired from service. The dispute is now confined only to payment of wages and other benefits during the period the respondent-writ petitioner was kept out of employment ie, from the date of his termination till he was provided alternate employment.

Following the order of the Supreme Court in Civil Appeal No. 3529 of 2017 and batch dated 23.2.2017, both the writ appeal and the writ petition are disposed of holding that the benefit under Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (for short "the Act") shall be available only to

whose who are covered by the disabilities specified in Section 2(i) of the Act. The appellant-Corporation shall consider whether or not the respondent-writ petitioner is entitled to the benefit of Section 47 of the Act, and whether he suffers from any one of the disabilities mentioned in Section 2(i) of the Act; and thereafter determine whether, and to what extent, the respondent-writ petitioner is entitled for payment of emoluments during the period he was kept out of service. The entire exercise culminating in an order now being communicated to the respondent-writ petitioner, shall be completed by the appellant-Corporation within three months from today.

Both the writ appeal and the writ petition are disposed of accordingly. Miscellaneous Petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.



(RAMESH RANGANATHAN, ACJ)

(T. RAJANI, J)

25th July, 2017

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Date: 25.7.2017

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