

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY
AND
THE HON'BLE SRI JUSTICE GUDI SEVA SHYAM PRASAD

Writ Appeal No.914 of 2017

DATED:28-08-2017

Between:

The Vice Chairman and Managing Director
Telangana State Road Transport Corporation
Bus Bhavan, Musheerabad, Hyderabad
and others ... Appellants

And

Mohd. Allauddin ... Respondent

COUNSEL FOR THE APPELLANTS: Mr. K. Praveen Reddy,
for Mr. N. Vasudeva Reddy

COUNSEL FOR THE RESPONDENT: Mr. Mohd. Ghouseuddin



THE COURT MADE THE FOLLOWING:

JUDGMENT: (per the Hon'ble Sri Justice C.V. Nagarjuna Reddy)

The functionaries of the Telangana State Road Transport Corporation (TSRTC) filed this Writ Appeal against order dated 01-03-2017 in W.P.No.19847 of 2013, whereby learned single judge disposed of the Writ Petition filed by the respondent by observing that the petitioner is entitled to salary and periodical increments for the period when he was put off duty till he was provided alternative employment and is entitled to salary for the period from January, 2016 to May, 2016.

2. At the hearing, K. Praveen Reddy, representing Mr. N. Vasudeva Reddy, learned Standing Counsel for the T.S.R.T.C., placed reliance on the order of the Supreme Court in Civil Appeal No. 3529 of 2017 and batch and submitted that in the said order, the Supreme Court has reversed the judgment of a Division Bench of this Court, whereby the judgment of a learned single judge in a batch of cases was confirmed holding that disability need not fall under Section 2 (i) of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (for short, "the Act") for claiming benefit under Section 47 of the Act. A perusal of this order shows that the Supreme Court has approved the view in *Hawa Singh Vs. Delhi Transport Corporation*¹ and *Kumar Bharat Prasad Narain Singh Vs. Airport Authority of India*² and held that the view taken by this Court in line with that taken in *G.Muthu Vs. Management of Tamil Nadu State Transport Corporation (Madurai) Limited*³ is not a correct view. Accordingly, while allowing the civil appeals, it has left the appellants-corporation free to take a

¹ 2012 (3) LLJ 564

² 2005 (5) AD (Del.) 513

³ 2006 (4) Mad.L.J. 1669

decision on individual grievances of the employees. The employees were also given liberty to avail their remedies in terms of the order.

3. Inasmuch as the Apex Court while setting aside the judgments of this Court gave liberty to the employees to approach the Corporation which was directed to take appropriate decisions on individual cases, we are of the opinion that it is not appropriate for us to decide whether the disability in the present case falls under Section 2 (i) of the Act or not. It is for the Corporation to take an informed decision, if necessary by consulting medical experts on the nature of disabilities in respect of individual employees. Therefore, as per the order of the Supreme Court, the respondent is permitted to make a detailed representation to the appellants. The appellants shall consider the representation, pass a detailed speaking order within two months from the date of receipt of such representation and communicate the same to the respondent.

4. Subject to the above, the order of the learned single judge under appeal is set aside. The Writ Appeal is accordingly allowed.

5. As a sequel to disposal of the Writ Appeal, W.A.M.P.No.1785 of 2017 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

GUDI SEVA SHYAM PRASAD, J

28-8-2017

bnr