

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.14471 OF 2005

ORDER

When the matter is taken up for hearing, learned counsel appearing for the petitioner submits that as the petitioner was found medically unfit during April, 1999, he sought alternative employment under Section 47 of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act 1 of 1996 and after being employed in the alternative post, he had retired from service on attaining the age of superannuation. He further submits that the break-up period of five years should be counted for the purpose of terminal benefits.

Having regard to the said submission, this Court is of the considered view that ends of justice would be met if a direction is issued to the respondent-Corporation to treat the break-up period of the petitioner from the date he was declared as medically unfit till he was employed in the alternative post 'as on duty' for the purpose of terminal benefits.

Accordingly, the Writ Petition is disposed of, directing the respondent-Corporation to treat the break up period of the petitioner from the date of medically unfit till he employed in

the alternative post 'as on duty' for the purpose of terminal benefits. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

25th October, 2018
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