

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT APPEAL No.19 OF 2017

JUDGMENT: (per Hon'ble Sri Justice Sanjay Kumar)

The officials of the erstwhile Andhra Pradesh State Road Transport Corporation, presently under the control of the Telangana State Road Transport Corporation (TSRTC), are in appeal aggrieved by the common order dated 26.09.2016 passed by a learned Judge of this Court in so far as it pertains to W.P.No.10651 of 2014. The issue that arose for consideration in the batch of cases before the learned Judge was with regard to the scope and import of Section of 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (for short, 'the Act of 1995'). By the order under appeal, the learned Judge took note of the observations made by a Division Bench of this Court in the order dated 08.09.2016 passed in W.A.No.1120 of 2015 and batch and directed the officials of the present TSRTC to examine the case of each of the writ petitioners and take necessary steps for implementing the provisions of the Act of 1995 in terms of the law laid down in W.A.No.1120 of 2015 and batch within a time frame.

We are now informed by Sri B.Mayur Reddy, learned counsel for the appellants, that the judgment dated 08.09.2016 of the Division Bench in W.A.No.1120 of 2015 and batch was the subject matter of consideration before the Supreme Court in Civil Appeal No.3529 of 2017 and batch. A copy of the order dated 23.02.2017 passed in the said batch of cases is placed on record.

Perusal of the aforestated order reflects that the Supreme Court opined that the expression 'disability' in Section 47 of the Act of 1995 was

not used in a different context and would abide by the definition in Section 2(i) thereof. In effect, the Supreme Court held that only those who are disabled within the meaning of Section 2(i) of the Act of 1995 would be entitled to the benefits under Section 47 thereof. This opinion ran contrary to the observations made by the Division Bench of this Court in its judgment dated 08.09.2016 in W.A.No.1120 of 2015 and batch and would override them. The appellants would therefore have to consider the case of the respondent keeping in mind the law laid down by the Supreme Court in Civil Appeal No.3529 of 2017 and batch.

It would be open to the respondent to make a representation citing the circumstances under which he claims to be covered by the definition of 'disability' under Section 2(i) of the Act of 1995 within four weeks from the date of receipt of a copy of this order. Thereupon, the appellants shall consider the case of the respondent in terms of the law laid down by the Supreme Court in Civil Appeal No.3529 of 2017 and batch and take a decision as to whether or not he is entitled to the benefit of Section 47 of the Act of 1995. This exercise shall be completed expeditiously and in any event, not later than four weeks from the date of receipt of the representation of the respondent.

The writ appeal is disposed of with the above directions.

Interim order dated 03.01.2017 shall stand vacated. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

M. GANGA RAO, J

Date: 28.11.2018
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