

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.8314 OF 2001

ORDER

This writ petition is filed seeking the following relief:

“..to issue an order or direction more particularly one in the nature of writ of Mandamus declaring the action of the 3rd respondent herein in fixing the pay of the petitioner at the rate last drawn by him in the cadre of driver vide proc.No.L1/876(17)/2000-RM,W.G.Eluru, dated 6.10.2000 while reinstating me as cleaner is unjust, arbitrary and to direct the respondents herein to re-fix the pay of the petitioner on par with his immediate junior namely K.Marri Raju, E-053181, Cleaner w.e.f Feb'1989 and pay the arrears forthwith in the interest of justice and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Learned counsel appearing for the petitioner submits that while discharging his duties as Driver, he was declared unfit by the Medical Board and thereafter, his case was considered for alternative employment. He further submits that from the date of declaring medically unfit till he was given alternative employment, his pay was not protected.

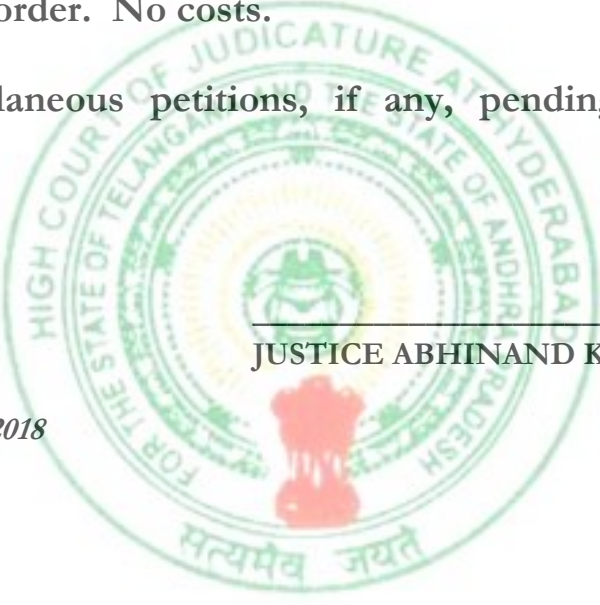
Learned Standing Counsel appearing for the respondent-Corporation contends that while providing alternative employment, the pay of the petitioner was protected.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered

view that ends of justice would be met if a direction is given to the respondents to protect the pay of the petitioner.

Accordingly, the Writ Petition is disposed of directing the respondents to protect the pay of the petitioner, if not already done, in terms of Section 47 of the Persons with Disabilities (Equal opportunities, Protection of Rights and Full Participation) Act, 1995 and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. No costs.

Miscellaneous petitions, if any, pending shall stand closed.



JUSTICE ABHINAND KUMAR SHAVILI

8th November, 2018
rkk

