

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.23755 OF 2007

ORDER:

1. This writ petition is filed seeking to issue a writ of Mandamus directing the respondents to pay the retirement benefits of the petitioner and salaries from the date of his medical unfitness till the date of his retirement and to provide alternative employment or to pay additional monetary benefits in place of employment as per circular dated 26.8.2005 by protecting all benefits as per the Disability Act, 1995.

2. Heard Sri G. Ravi Mohan, Counsel representing Sri P. Govinda Rajulu, learned Counsel for the petitioner and Sri B. Mayur Reddy, learned Standing Counsel for the respondents.

3. It is the case of the petitioner that he was appointed as driver during April, 1980 and while he was discharging his duties, during September, 2001, he was subjected to medical tests. As per the medical reports, he was unfit to discharge his duties as driver due to defective distance vision and thereafter, the petitioner was declared as unfit to discharge his duties and then, he retired from service.

4. The principal grievance of the petitioner is that he was declared as medically unfit on 15.9.2001 and thereafter, he

retired from service, and he is entitled for retirement benefits and salaries from the date of his medical unfitness till the date of his retirement, but the respondents have not paid the salaries. Challenging the same, the petitioner filed this writ petition.

5. The learned Counsel for the petitioner contends that as per Section of 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, (for short, 'the Act') the petitioner is entitled for salary. He further contended that during the pendency of this writ petition, the respondents considered the case of the petitioner and rejected his claim vide proceedings dated 5.1.2008 on the principle of 'no work no pay' and that the petitioner is entitled for salary from the date of declaration of medical unfitness till the date of his retirement.

6. This Court having considered the above submissions is of the considered view that this writ petition can be disposed of directing the petitioner to submit a fresh representation in terms of Section 47 of the Act, 1995.

7. Accordingly, the Writ Petition is disposed of directing the petitioner to submit a fresh representation to the respondents in terms of Section 47 of the Act, 1995 within two weeks from the date of receipt of a copy of this order. On such representation

being received, the respondents will re-consider the case of the petitioner in terms of Section 47 of the Act, 1995 and pass appropriate orders, within a period of four weeks thereafter. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Dated:5th November, 2018.
Nn.



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05/11/2018

Nn.