

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.22152 of 2010

ORDER:

This writ petition is filed seeking to issue a writ of Mandamus, directing the respondents to re-fix the pay of the petitioner by allowing all service benefits of the post of Driver including annual increments for out of employment period and pay arrears including wages from the date of medical unfit to till reinstatement as Shramik i.e. from 06.02.2006 to 05.01.2007 as per Section 47 of the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (for short "the Act") with interest at the rate of 18% from the date of reinstatement as Shramik to till payment of amount.

Heard Sri P.Govinda Rajulu, learned counsel for petitioner and Sri A.Ravi Babu, learned Standing Counsel for the respondents-Corporation.

It has been contended by the learned counsel for petitioner that he was initially appointed as a Driver on 01.07.1988. While the petitioner was discharging his duties, he suffered defective vision and was subjected to medical examination. On 09.05.2006, the petitioner was declared unfit to discharge the duties of Driver and the petitioner had requested to provide alternate employment. The respondents have considered the case of the petitioner and provided alternate employment to the petitioner as Shramik, on 27.12.2006 and the petitioner had reported to duty as Shramik on 05.01.2007. The principal grievance of the petitioner is that the respondents have not

extended the salary and increments for out of employment period i.e. from 06.02.2006 to 05.01.2007 and petitioner had submitted a representation to the respondents on 09.05.2007 requesting them to release the salary and increments for the out of employment period in accordance with Section 47 of the Act, but, so far, the respondents have not considered the said representation and the same is pending. Counsel for petitioner is seeking for appropriate directions from this Court directing the respondents to consider the representation submitted by the petitioner and for passing appropriate orders on the said representation.

The learned Standing Counsel appearing on behalf of respondents-Corporation has also not disputed about the aforesaid facts and contend that appropriate orders will be passed on the representation submitted by the petitioner, in accordance with law.

This Court, having considered the rival submissions of the parties, is of the considered view that this writ petition can be disposed of directing the respondents to consider the representation submitted by the petitioner on 09.05.2007 and pass appropriate orders in accordance with law within four weeks from the date of receipt of a copy of this order.

With these observations, the writ petition is disposed of. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

13th December 2018

ajr