

HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No.23383 OF 2007

Date 02.02.2018

Between:
S.K.Babu

... Petitioner

AND

APSRTC rep. by its Vice Chairman & Managing Director,
Musheerabad, Hyderabad and others.

.....Respondents



HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No.23383 of 2007

ORDER:

The Writ Petition is filed seeking a direction to respondents to provide alternative suitable employment to petitioner, under Section 47(1) of the Persons with Disabilities (Equal Opportunities Protection of Rights and Full Participation) Act, 1995 (the Act), by protecting all benefits in the former post, including arrears of salary with effect from 03.02.2003.

Brief facts of the case are that, while the petitioner was working as a driver in Sulurpet Depot, he was removed from service on 19.04.2002 and the said order was set aside in appeal by the Divisional Manager vide proceedings dated 28.01.2003 and he was reinstated with continuity of service by reduction of two increments. After reinstatement, petitioner underwent medical examination and was found unfit for the post of driver due to colour blindness. Petitioner, therefore, made representation dated 03.04.2003 before Depot Manager, APSRTC, Vakadu, Nellore District, to provide alternative employment.

This Court, while admitting the writ petition on 05.11.2007, directed the respondents to provide alternative employment to petitioner in any suitable post as per the Act within a period of two months.

In the counter affidavit filed by respondents, it is stated that, pursuant to the directions of this Court, petitioner's case

was considered and was provided alternative employment as Shramik and posted at Gudur Depot; and the petitioner reported for duty on 19.12.2008 as Shramik at Gudur.

When the matter came up for hearing, Sri P.Durga Prasad, learned Standing Counsel appearing for respondents, submitted that the matter is squarely covered by the judgment in Civil Appeal No.3529 of 2017 and batch dated 23.02.2017, wherein the Supreme Court left it open for the APSRTC to take decision on individual grievances of the employees and the employees were granted liberty to take remedies in accordance with law.

Learned counsel for the petitioner, however, does not dispute the same, and would submit that the petitioner would file a representation before respondent No.2 setting out his grievance.

Learned Standing Counsel for respondents also does not have objection for a direction to dispose of the representation that would be filed by the petitioner.

In view of the submissions made by the counsel for both the parties, writ petition is disposed of directing the petitioner to submit a representation to respondent No.2 within a period of two weeks from the date of receipt of the copy of the order. On receipt of such representation, respondent No.2 shall consider and dispose of the same in accordance with law within a period of three months thereafter.

The Writ Petition stands disposed of accordingly.

As a sequel, miscellaneous petitions pending, if any,
shall stand closed.

KONGARA VIJAYA LAKSHMI, J

Dt:02.02.2018
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