

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.10142 OF 2015

ORDER

This writ petition is filed for the following relief:

“...to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of respondents i.e., not issue salary from alternative post as per W.P.No.12238 of 2004 from the date of order till the retirement with full salary otherwise in view of the retirement age received by the petitioner to issue monthly salary mentioned in petitioner's account number and further prayed that fix pension to the petitioner as per APSRTC Service Rules consequently for alternative period damages violating the orders of Hon'ble High Court for recovery of salary under Section 47 of the Persons With Disabilities (Equal Opportunity Protection of Rights and Full Participation) Act, 1955 (for short the Act', with pension claim, damages of Rs.15,00,000/- (fifteen lakhs only) and to pass such further orders as this Hon'ble Court may deem fit and proper in the interest of justice.” (reproduced verbatim)

Heard Sri Ch.Ganesh, learned counsel appearing for the petitioner and Sri B.Mayur Reddy, learned Standing Counsel appearing for the respondent-Corporation.

It is the case of the petitioner that while working as a Driver in the respondent-Corporation, he was found unfit for A1 category due to defective vision, and vide proceedings dated 26.11.2002, the respondent-Corporation retired him from service on 19.11.2002 on medical invalidation. Hence, he

submitted a representation to the respondent-Corporation to provide alternative employment, but the respondent-Corporation has not considered his case. Therefore, he filed W.P.No.12238 of 2004 before this Court. This Court *vide* order 6.8.2004 directed the respondent-Corporation to pass appropriate orders keeping in view the mandatory provisions of Section 47 of the Act, the existing rule and the judgment of the Supreme Court in *Kunal Singh v. Union of India and another*¹. But the respondent-Corporation has not considered the case of the petitioner. In those set of circumstances, the present writ petition is filed.

It is the contention of the petitioner that the monetary compensation was not paid when he was retired on medical invalidation grounds and the respondents have paid other terminal benefits to him.

Learned counsel appearing for the respondent-Corporation contends that the monetary compensation will be paid to the petitioner, consequent upon his retirement on medical invalidation grounds.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that the writ petition can be disposed of directing the

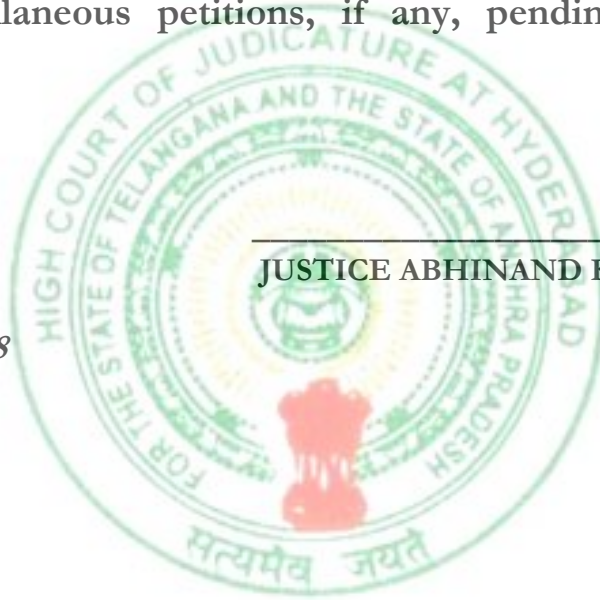
¹ (2003) 4 SCC 524

respondent-Corporation to pay monetary compensation to the petitioner.

Accordingly, the Writ Petition is disposed of directing the respondent-Corporation to pay monetary compensation consequent upon the retirement of the petitioner on medical invalidation grounds, if not already paid, within a period of eight weeks from the date of receipt of a copy of the order. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

26th April, 2018
rkk



JUSTICE ABHINAND KUMAR SHAVILI