

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.2743 of 2019

ORDER :

This writ petition is filed seeking Writ of Mandamus declaring the proceedings No.LC/876(24)/2015-RM KMM, dated 20.07.2016 issued by respondent No.3 in not continuing the seniority in the post of Driver and not granting Special Grade increment in the year 2012 after completion of 20 years of service and Grade-I increment in the year 2016-2017 to the petitioner, as illegal, arbitrary and contrary to Section 20(4) of the Rights of Persons with Disabilities Act, 2016 and set aside the same as against the petitioner and, consequently sought a direction to the respondents to extend all the consequential benefits, including continuity of service in the post of Driver and extending Special Grade Increment with effect from 2012 and Grade-I increment in the year 2016-2017 and pay arrears to the petitioner.

The petitioner was initially appointed as Driver in the respondents – Corporation and while working as Driver, he was declared unfit to discharge the duties of Driver by the competent Medical Board vide Medical Certificate dated 01.08.2012. Thereafter, the case of the petitioner was considered for alternative employment as Record Tracer on 14.10.2014 under Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. The grievance of the petitioner is that

though the petitioner was provided with alternative employment as Record Tracer, he was not extended the benefit of continuing the seniority in the post of Driver and was not granted Special Grade increment in the year 2012 after completion of 20 years of service and Grade-I increment in the year 2016-2017. To that effect, though the petitioner has submitted a representation dated 18.06.2018 before respondent No.2, so far the respondents have not passed any orders on the said representation nor extended the benefit of continuing the seniority in the post of Driver and not granted Special Grade increment in the year 2012 after completion of 20 years of service and Grade-I increment in the year 2016-2017 to the petitioner. Hence the present writ petition.

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

Learned counsel for the petitioner contends that the action of the respondents in not passing any orders on the representation dated 18.06.2018 submitted by the petitioner nor extending the benefit of continuing the seniority in the post of Driver and not granting Special Grade increment in the year 2012 after completion of 20 years of service and Grade-I increment in the year 2016-2017 to the petitioner, as arbitrary and illegal and, therefore, contends that appropriate orders be passed in the writ petition directing the respondents to consider

the representation dated 18.06.2018 submitted by the petitioner and pass appropriate orders in accordance with law.

On the other hand, the learned Standing Counsel for the respondents – Corporation contends that the case of the petitioner will be considered and appropriate orders would be passed on the representation dated 18.06.2018 submitted by the petitioner in accordance with law.

This Court, having considered the rival submissions made by the learned counsel for the respective parties, is of the considered view that this writ petition can be disposed of directing the respondents to consider the representation dated 18.06.2018 submitted by the petitioner seeking to extend the benefit of continuing the seniority in the post of Driver and for grant of Special Grade increment in the year 2012 after completion of 20 years of service and Grade-I increment in the year 2016-2017 to the petitioner and pass appropriate orders in accordance with law within a period of four (4) weeks from the date of receipt of a copy of this order.

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

As a sequel, miscellaneous petitions pending, if any, in this writ petition shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

14.02.2019.
Msr

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