

**HIGH COURT FOR THE STATE OF TELANGANA**

**THE HON'BLE THE ACTING CHIEF JUSTICE RAGHVENDRA SINGH CHAUHAN**

**AND**

**THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY**

**WRIT APPEAL No. 77 of 2017**

**Date: 12.04.2019**

Between:

The Telangana State Road Transport Corporation and others

...Appellants

and

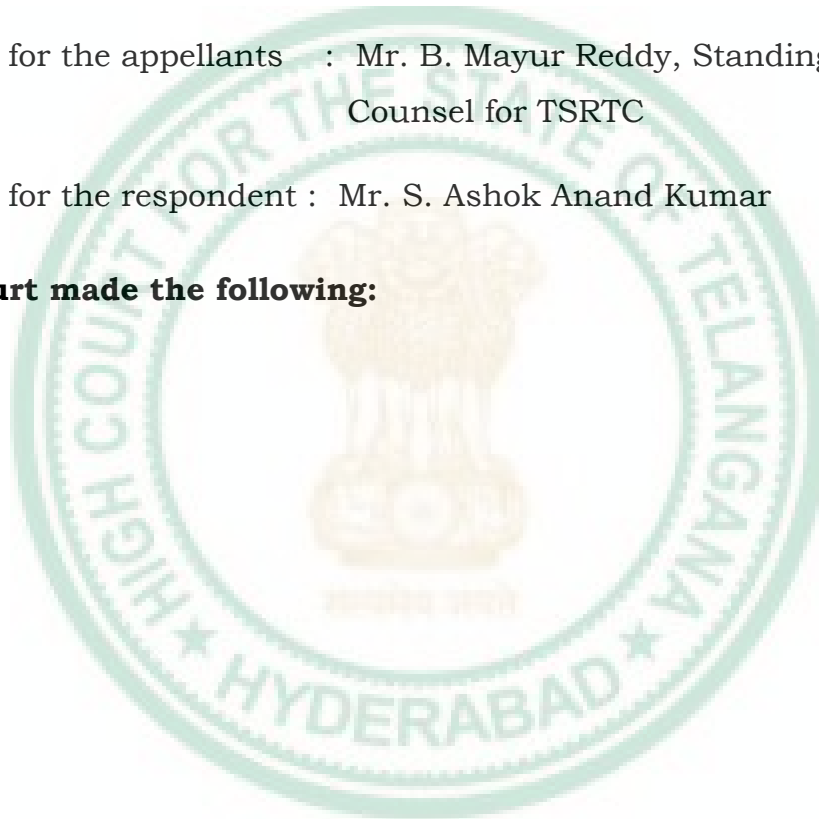
Sk. Jahangir

...Respondent

Counsel for the appellants : Mr. B. Mayur Reddy, Standing  
Counsel for TSRTC

Counsel for the respondent : Mr. S. Ashok Anand Kumar

**The Court made the following:**



**JUDGMENT:** (Per the Hon'ble the Acting Chief Justice Raghvendra Singh Chauhan)

This appeal arises out of the order dated 28.06.2016 passed by a learned Single Judge in W.P.No.15389 of 2016, whereby the learned Single Judge has noticed as under:

*“There is no dispute that the petitioner was initially declared unfit for the post of A1 category driver on 22.11.2011 and subsequently the same was confirmed by the Medical Board in the order dated 27.12.2011 passed in the appeal preferred by the petitioner. Ultimately by order dated 05.03.2012 he was directed to retire from service on medical grounds. However, from 22.1.2011 to 05.03.2012 the petitioner was not paid any salary even though he was in the service of the respondents-Corporation. This Court is of the opinion that denial of salary and other allowances to which the petitioner is entitled to while in service from 22.11.2011 to 05.03.2012 is illegal. The view of mine is supported by the decision of this Court rendered in Writ Petition No.36337 of 2012 and Batch, dated 29.10.2016. In the circumstances, the respondents are directed to pay salary and other allowances to the petitioner for the period from 22.11.2011 to 05.03.2012 within a period of three months from the date of receipt of a copy of the order.”*

Mr. B. Mayur Reddy, the learned Standing Counsel for the Telangana State Road Transport Corporation, submits that a series of writ petitions were filed before this Court by the aggrieved employees of the Andhra Pradesh State Road Transport Corporation and the Telangana State Transport Corporations, where their grievance was that the benefit of Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (“the Act” for short) was not being given to them. Therefore, in a series of judgments, this Court had directed the Transport Corporations to provide alternative employment and to give the benefit of Section 47 of the Act to the petitioners in those writ petitions. However, subsequently, in the case of **Andhra Pradesh**

**State Road Transport Corporation represented by its Managing Director and others vs. B.S.Reddy**, Civil Appeal No.3529 of 2017, decided on 23.02.2017, the Hon'ble Supreme Court has clearly opined that no distinction can be made with regard to the expression "*disability*" contained in Section 2(i) of the Act and Section 47 of the Act.

Moreover, in W.A.No.1254 of 2016 and batch, where the same issue had arisen, by judgment dated 22.06.2017, a learned Division Bench had directed the Transport Corporations to consider the representations filed by the respondents in the said writ appeals, to consider the cases on individual basis, and to decide whether the benefit of Section 47 of the Act should be given or not.

It has also been brought to the notice of this Court that a large number of schemes have been floated by the appellant-Transport Corporation itself for dealing with the cases of drivers and other employees, who may have suffered disability during the course of their employment with the Transport Corporation. All these schemes are beneficial in nature.

Therefore, the appellant-Transport Corporation is directed to issue a Circular informing all the employees, who have acquired disability during the course of their employment with the Corporation, and to submit representations with regard to seeking the benefit of Section 47 of the Act or the benefit of the schemes floated by the Corporation itself. A period of one month shall be given to the employees for submitting their representations. Having received the said representations, the appellant-Transport Corporation is directed to consider and decide the representations within the period of three months from the date of receipt thereof, after giving an opportunity of personal hearing to each employee.

With these directions, the Writ Appeal stands disposed of.  
There shall be no order as to costs.

The miscellaneous petitions pending, if any, shall stand closed.

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**(RAGHVENDRA SINGH CHAUHAN, ACJ)**

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**(A. RAJASHEKER REDDY, J)**

12<sup>th</sup> April, 2019  
JSU



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