

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.40345 OF 2014

ORDER:

With the consent of both parties, this writ petition is being disposed of at the admission stage.

This writ petition is filed seeking a writ of Mandamus, declaring the action of the respondents in not providing suitable employment as Record Tracer in pursuance of the Circular dated 04.03.2009 as illegal, arbitrary and contrary to the provisions of Act 1 of 1996 i.e., the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 as well as violation of Fundamental Rights guaranteed under the Constitution of India and sought a consequential direction to the respondents to provide employment of Record Tracer pursuant to Circular dated 04.03.2009.

Heard Sri A. Jagan, counsel for the petitioner, and Sri B. Mayur Reddy, Standing Counsel for the respondents.

It has been contended by the petitioner that he was initially appointed as Driver with the respondents. While discharging his duties as Driver, the petitioner was declared medically unfit on 21.11.2013 and thereafter his case for alternative employment was considered and he was provided alternative employment of Shramik vide orders dated 22.07.2014. The grievance of the petitioner is that he is not in a position to discharge the duties of Shramik, therefore, he has requested the respondents to provide him alternative employment of Record Tracer in terms of Circular dated 04.03.2009, but so far the respondents have not

considered the said request nor provided him the alternative employment of Record Tracer.

Counsel for the petitioner submitted that appropriate orders be passed in the writ petition directing the respondents to consider the case of the petitioner for providing alternative employment of Record Tracer, instead of Shramik, by duly taking into account the provisions of Act 1 of 1996.

Standing Counsel appearing for the respondents had contended that the case of the petitioner would be considered and appropriate orders would be passed, if the petitioner submits a fresh representation to the respondents.

This Court, having considered the submissions of learned counsel for the parties, is of the considered view that this writ petition can be disposed of directing the petitioner to submit a fresh representation to the respondents seeking alternative employment of Record Tracer, instead of Shramik, within a period of two weeks from the date of receipt of a copy of this order and, upon such representation being received, the respondents shall consider the same and pass appropriate orders in another two months thereafter.

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

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J