

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.13123 of 2017

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 alternative employment and paying the salary from 23.08.2016 till date to the petitioner, as illegal, arbitrary and contrary to the APSRTC Employees (Service) Regulations and also sought a consequential direction to the respondents to provide suitable alternative employment as per the provisions of the Rights of Persons with Disabilities Act, 2016 (Act 49 of 2016) and pay salary from 23.08.2016 till date by fixing the pay in the cadre of Driver with all other attendant service benefits.

Heard Sri A. Jagan, learned counsel for the petitioner, and Sri N. Vasudeva Reddy, learned Standing Counsel for TSRTC.

It has been contended by the petitioner that he was appointed as a Driver during the year 2010 and since then, he has been discharging his duties to the best satisfaction of his superiors and every one concerned. The petitioner further submits that during August, 2016, while he was discharging his duties, he suffered from ill-health and was examined by the Medical Board and was declared medically unfit consequent upon the seizure disorder Epilepsy. The grievance of the petitioner is that though he was declared medically unfit for the post of Driver, the respondents are not considering his case for alternative employment in terms of the provisions of the Rights of Persons with Disabilities Act. Therefore, the petitioner has submitted a representation to the respondents on 09.11.2016 requesting

them to provide alternative employment, but so far the respondents have neither considered the said representation nor considered the case of the petitioner for alternative employment.

Learned counsel for the petitioner submitted that appropriate orders be passed in the writ petition directing the respondents to consider the representation dated 09.11.2016 submitted by the petitioner and pass appropriate orders in accordance with law.

Learned Standing Counsel appearing for the respondents had submitted that the case of the petitioner for alternative employment will be considered and appropriate orders would be passed on the representation submitted by the petitioner by duly taking into account the judgment rendered by the Honourable Supreme Court in Civil Appeal No.3529 of 2017 and batch dated 23.02.2017.

This Court, having considered the submissions made by learned counsel for both parties, is of the considered view that this writ petition can be disposed of directing the respondents to submit a fresh representation to the respondents seeking alternative employment in terms of the provisions of the Rights of Persons with Disabilities Act, 2016 (Act 49 of 2016) within a period of two weeks from the date of receipt of a copy of this order and upon such a representation being received, the respondents shall consider the same and pass appropriate orders within a period of six weeks thereafter.

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

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

20th June 2019

v v