

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.28869 of 2019

ORDER:

This writ petition is being disposed of at the admission stage with the consent of both parties.

This writ petition is filed seeking a Writ of Mandamus declaring the action of the respondents in not providing alternative suitable employment and not paying salary to the petitioner from 01.01.2014, as illegal, arbitrary and contrary to the provisions of TSRTC Service Regulations, the Rights of Persons with Disabilities Act, 2016, settlement entered under Section 12 (3) of the Industrial Disputes Act and also violative of fundamental rights and sought a consequential direction to direct the respondents to pay salary to the petitioner from 01.01.2014 till date and to provide suitable alternative employment with all service attendant benefits.

Heard Sri A. Jagan, counsel for the petitioner, and Sri A. Ravi Babu, Standing Counsel appearing for the respondents.

It has been contended by the petitioner that initially he was appointed as Driver and while he was discharging his duties as Driver, he has suffered from the disability of Blepharospasm. It is also stated that the petitioner was examined by Nizam's Institute of Medical Sciences on 17.08.2013 and the doctor of the said Hospital has certified that the petitioner is suffering from Blepharospasm, and based upon that, the petitioner was retired on medical invalidation grounds on 27.12.2013. The grievance of the petitioner is that he was

retired on medical invalidation grounds without considering his case for alternative employment in terms of the provisions of the Rights of Persons with Disabilities Act.

Counsel for the petitioner contended that let the respondents refer the case of the petitioner to a competent Medical Board and if it is found that the disability being suffered by the petitioner arose out of his employment, then let the case of the petitioner be considered for alternative employment in accordance with the Regulations of the respondent Corporation. Therefore, counsel for the petitioner contended that appropriate orders be passed in the writ petition directing the respondents to consider the representations submitted by the petitioner on 15.09.2016 and 23.10.2017.

Standing Counsel appearing for the respondents had contended that the case of the petitioner would be referred to the competent Medical Board, and based upon the Medical Board's report, appropriate action will be taken on the representations submitted by the petitioner in accordance with law within a reasonable period of time.

This Court, having considered the submissions of learned counsel for respective parties, is of the considered view that this writ petition can be disposed of directing the respondents to refer the case of the petitioner to competent Medical Board, and based upon the Medical Board's report, the respondents shall consider the case of the petitioner for providing alternative employment if it is found that the disability being suffered by the petitioner arose out of his

employment, and pass appropriate orders in accordance with law within a reasonable period of time, preferably within eight weeks from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

30-12-2019
v v

