

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 Nos. 73 and 76 of 2017

Date: 12.04.2019

Between:

The Telangana State Road Transport Corporation and others

...Appellants

and

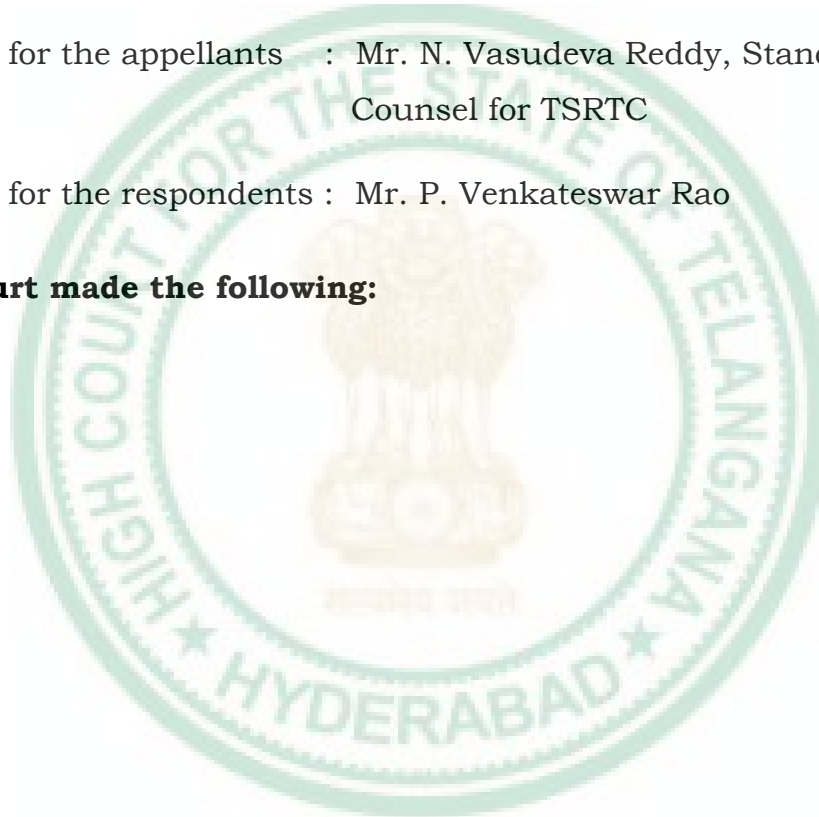
P. Ravinder Reddy and another

...Respondents

Counsel for the appellants : Mr. N. Vasudeva Reddy, Standing
Counsel for TSRTC

Counsel for the respondents : Mr. P. Venkateswar Rao

The Court made the following:



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

Both these appeals arise out of the same impugned order dated 29.01.2016 passed by a learned Single Judge in W.P.No.37838 of 2015 and W.P.No.36747 of 2015, whereby the learned Single Judge has noticed as under:

"The approach and attitude is because of flawed employment policies, not only on the issues in these writ petitions but on several other aspects of employment and is generating flood of litigation in this Court and in labour Courts. There is no litigation policy. Each case is contested individually even though decision is rendered by this Court on the same subject and the directions are complied in individual cases, driving others to litigate. Hope better counsels will prevail in both corporations and appropriate steps are taken to prevent harassment to drivers declared as medically unfit and a comprehensive policy and guidelines are formulated.

The points are answered in favour of the petitioners. The Writ Petitions are allowed. The following directions are issued:

- 1) *All the drivers who are not assigned work after they were declared as medically unfit are entitled to pay and allowances attached to the post of Driver till they were retired from service/alternative job is provided to them. They shall be paid arrears of pay and allowances with 8% interest from the due date till the date of payment. This direction is general and applicable to all Drivers. The Corporations shall undertake review of all such claims and shall ensure that no driver is denied pay and allowances on this issue. The order shall be complied within eight (8) weeks from the date of receipt of the copy of the Order.*
- 2) *Petitioners and all Drivers who are declared as unfit to drive on account of 'acquiring disability' while in service are entitled to provision of alternative job as a matter of course. The Corporation shall endeavour to provide alternative job of the same status. For any reason, alternative job of the same status is not possible and the drivers are adjusted in any other post, they shall be paid the same pay and allowances as were paid to them as Drivers including the annual increments.*
- 3) *If alternative job cannot be provided, the Drivers shall be kept in a supernumerary post until a suitable post*

is available or till he attains the age of superannuation whichever is earlier and shall be paid pay and allowances of the post of Drivers until they attained the age of superannuation.

- 4) *These directions are applicable to all similarly situated drivers.”*

Mr. N. Vasudeva 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, these Writ Appeals stand disposed of. There shall be no order as to costs.

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

(RAGHVENDRA SINGH CHAUHAN, ACJ)

(A. RAJASHEKER REDDY, J)

12th April, 2019
JSU

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