



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.746/2018

Sanjay V Maharashtra State Road Transport Corporation, Nagpur

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mr. S.A. Nerkar, Adv for petitioner.

Mr. S.A. Sonak, Adv for respondent.

CORAM : AVINASH G GHAROTE &
URMILA JOSHI-PHALKE, JJ.
DATE : 13-09-2023

The termination of the petitioner by the order dated 01-07-2016 on in account of the person suffering from disability during the course of the employment. A statement is made that during the pendency of the petition the petitioner was reinstated, as a result of which, prayer clause (i) does not survive. The only question is regarding the entitlement of the backwages. In view of Section 20(4) of the Rights of Persons with Disabilities Act 2016, the termination was not permissible and all that the respondents could have done was to shift the petitioner to suitable post considering his disablement with the same pay scale and service benefits. In view of which, though Clause (3) of Circular dated 10-09-2008 has been relied upon, the petitioner would be entitled to full backwages for the aforesaid duration as the Circular cannot displace the effect of Section 20(4) which is in *pari materia* of Section 47 of the old Act i.e. Persons with Disabilities (Equal Opportunities, Protection of Rights and

Full Participation) Act, 1995.

2. The petition is, therefore, allowed and the respondents are directed to pay the backwages for the duration when the petitioner was terminated and reinstated within a period of three weeks from today.

JUDGE

JUDGE

Deshmukh