

THE HON'BLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION NO.9853 of 2023

ORDER:

This writ petition is filed by the petitioner under Article 226 of the Constitution of India seeking the following reliefs:

"...to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the office order No:E1/756(07)/2020-NLR, dated 13.11.2020 retiring the petitioner from service on medical grounds with effect from 27.10.2020, is unjust, arbitrary, contrary to the Rights of persons with Disabilities Act, 2016, discriminatory in violation of Articles 14 and 21 of the Constitution of India, set aside the same and consequently direct the respondents to provide suitable alternative post to the petitioner as per Section 20(4) of the Rights of Persons with Disabilities Act, 2016 duly protecting the pay scale of the post of Driver with all consequential service benefits including payment of salary for the interregnum period ..."

2. The petitioner was retired from service on medical grounds. Learned counsel for the petitioner submitted that to provide an alternative appointment to the petitioner a representation, dated 28.02.2023 was made to the 2nd respondent and the same is pending not yet decided. Learned counsel requested for a direction to the 2nd respondent to consider and pass orders on the representation.

3. The learned Government Pleader for Services-II has contended that no representation was made by the petitioner

and states the copy filed along with the writ petition doesn't contain any endorsement of acknowledgment.

4. Hence, in view of the said contention raised by the learned Government Pleader, this Court is inclined to direct the petitioner herein to file a fresh representation to the 2nd respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of such representation, the 2nd respondent herein is hereby directed to examine and pass appropriate orders in accordance with law, within a period of four weeks therefrom.

5. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

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

JUSTICE TARLADA RAJASEKHAR RAO

Dated : 20.04.2023

SPP

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