

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

FRIDAY, THE TWENTY FIRST DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE SRI JUSTICE CHALLA GUNARANJAN

WRIT PETITION NO: 7032 OF 2025



Between:

B. Srinu Naik, S/o Somla Naik Aged about 51 years, Driver, Presently working as Controller, APSRTC Ongole Depot, Ongole, R/o H.No.4-221, ST Colony, Nagarajupalem Village, Marturu Mandal, Prakasam district.

...Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary Transport Department, Secretariat, Velagapudi, Amaravathi, Guntur district.
2. Andhra Pradesh Public Transport Department, Rep. by its Chairman and Managing Director, Vijayawada, Krishna district.
3. Andhra Pradesh State Road Transport Corporation, Rep. by its Depot Manager, Ongole, Prakasam district

...Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd respondent herein in issuing the proceedings in No.P2/469(4)/2023-OGL, dt. 28-2-2025 directing the petitioner to retire from the services of Andhra Pradesh Public Transport Department on Medical Grounds with immediate effect i.e. 28-2-2025 without considering the alternative Employment as per the Section 47 of the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full

Participation)Act, 1995 is illegal, arbitrary and violative of principals of natural justice and consequently set aside the same.

IA NO: 1 OF 2025

Petition under Section 151 of CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the 3rd respondent herein to continue the petitioner in the services in the post of Controller(presently working in the same category) by suspending the proceedings No.P2/469(4)/2023-OGL, dt. 28-2-2025 issued by the 3rd respondent herein, Pending disposal of WP 7032 of 2025, on the file of the High Court.

The Petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI G V S MEHAR KUMAR, Advocate for the Petitioner, and of GP FOR SERVICES II, for the Respondent No.1, and of SRI S.VENKATESWARLU, Standing Counsel for the Respondent Nos.2 & 3, the Court made the following

ORDER:

Learned Government Pleader for Services-II takes notice for respondent No.1 and Sri S.Venkateswarlu, learned Standing counsel takes notice for respondent Nos.2 and 3 and seeks time to file counter-affidavit.

Petitioner has been appointed as Driver on Contract basis, came to be regularized by proceedings No.E2/255(1)/2010-RM(O), dated 01.09.2010 and continued to work as Driver. However, in pursuance to the medical examination conducted in the year 2023, he was certified and found to have incurred left foot drop, thereby, he has been shifted to alternative employment i.e., Controller. Now by virtue of impugned proceedings No.P2/469(4)/2023-OGL, dated 28.02.2025 he is ordered to

be retired from service on medical grounds stating that left foot drop is not covered either under G.O.Ms.No.661, dated 23.10.2008 or under Right to persons disability Act, 2016.

Matter requires consideration: As the petitioner is continuing as Controller under alternative employment, there shall be interim stay of proceedings No.P2/469(4)/2023-OGL, dated 28.02.2025 and the petitioner shall continue to work, pending further orders.

Let counter be filed within four (04) weeks and reply if any, be filed within two (02) weeks thereafter.

List the matter after eight (08) weeks.

Sd/- K. J. RAJA BABU
A ASSISTANT REGISTRAR

//TRUE COPY//

For A SECTION OFFICER

To,

1. The Principal Secretary, Transport Department, State of Andhra Pradesh, Secretariat, Velagapudi, Amaravathi, Guntur District. (by Special Messenger)
2. The Chairman and Managing Director, Andhra Pradesh Public Transport Department, Vijayawada, Krishna district.
3. The Depot Manager, Andhra Pradesh State Road Transport Corporation, Ongole, Prakasam district (Addressees 2 & 3 by RPAD)
4. One CC to SRI. G V S MEHAR KUMAR Advocate [OPUC]
5. Two CCs to GP FOR SERVICES II ,High Court of Andhra Pradesh. [OUT]
6. One CC to SRI S.VENKATESWARLU, Standing Counsel [OPUC]
7. One spare copy

PSR

HIGH COURT

CGR,J

DATED:21/03/2025

NOTE: List the matter after eight (08) weeks.

ORDER

WP.No.7032 of 2025

INTERIM STAY

