APHC010554762024

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3573]**
(Special Original Jurisdiction)

MONDAY, THE 12th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

WRIT PETITION NO: 28990/2024

Between:

1. SHAIK AMEER, S/O. KASIM, E.NO.725350, OCC MECHANIC IN APSRTC, MACHERLA DEPOT, R/O. D.NO11-1-52, MACHERLAPALNADU DISTRICT.

...PETITIONER

AND

1. THE STATE OF AP, REP.BY ITS PRINCIPLE SECRETARY, DEPARTMENT OF TRANSPORT, ROADS AND BUILDINGS, A.P SECRETARIAT BUILDINGS, AMARAVATI CAPITAL CITY, VELAGAPUDI, THULLURU(M), GUNTUR DISTRICT.
2. STATE OF ANDHRA PRADESH, REP.BY ITS SPECIAL CHIEF SECRETARY, DEPARTMENT OF FINANCE AND PLANNING, A.P SECRETARIAT BUILDINGS, AMARAVATI CAPITAL CITY, VELAGAPUDI, THULLURU(M), GUNTUR DISTRICT.
3. APSRTC, REP.BY ITS VICE CHAIRMAN AND MANAGING DIRECTOR, PANDIT NEHRU BUS STATION (PNBS), KRISHNALANKA, VIJAYAWADA, KRISHNA DISTRICT.
4. THE DISTRICT PUBLIC TRAFFIC MANAGER DPTO/REGIONAL MANAGER, APSRTC, NARASARAO PET, PALNADU DISTRICT.
5. THE DISTRICT PUBLIC TRAFFIC MANAGER DPTO/REGIONAL MANAGER, APSRTC, GUNTUR REGION, GUNTUR.
6. DEPOT MANAGER, APSRTC, MACHARLA DEPOT, PALNADU DISTRICT. ...

...RESPONDENT(S):

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 an order or direction or writ more particularly on in the nature of Writ of Mandamus or any other suitable writ declaring the Medical retirement Order dated 14.11.2024 issued by the 6th Respondent as arbitrary and violation of article 14, 16 and 21 of Constitution of India and Provisions of Rights of Persons with Disabilities Act, 2016 more particular Section 20 of the Act and consequently set aside the same and direct respondent to reinstate me or provide alternative employment in any suitable post with continuity of service back wages and all attendant benefits and all consequential benefits with pay protection with interest @ 12percent p.a grant cost of the proceedings and pass

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased pleased to consider my claim for alternative employment immediately pending hearing in the main Writ Petition and pass

Counsel for the Petitioner:

1. M PITCHAIAH

Counsel for the Respondent(S):

1. GP FOR SERVICES I
2. P VENKATA RAO SC For APSRTC
3. GP FOR SERVICES II

The Court made the following:

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

ORDER:

The Writ Petition is filed for the following relief:

> *"to issue an order or direction or writ more particularly on in the nature of Writ of Mandamus or any other suitable writ declaring the Medical retirement Order dated 14.11.2024 issued by the 6th Respondent as arbitrary and violation of article 14, 16 and 21 of Constitution of India and Provisions of Rights of Persons with Disabilities Act, 2016 more particular Section 20 of the Act and consequently set aside the same and direct respondent to reinstate me or provide alternative employment in any suitable post with continuity of service back wages and all attendant benefits and all consequential benefits with pay protection with interest @ 12percent p.a grant cost of the proceedings and pass…"*

2. Heard Sri Geethak Chowdary, learned counsel representing Sri M.Pitchaiah, learned counsel for the petitioner and Sri N.S.Rupesh, learned counsel representing Sri P.Venkata Rao, learned Standing Counsel for A.P.S.R.T.C appearing on behalf of respondents

3. The grievance of the petitioner is that petitioner was working as a mechanic and as he suffered left hand paralysis while in service and due to which he was declared medically unfit to continue in the said post. Accordingly, he was retired from service on the orders dated 14.11.2024 issued by 6th respondent. Inspite of the petitioner's request to consider his case for alternative employment under Section 2(s) of Rights of Persons with Disabilities Act, 2016, the respondents have not passed any orders. Aggrieved by the same, petitioner approached this Court by filing the present Writ Petition.

4. Learned counsel for the petitioner submits that, in terms of G.O.Ms.No.58, Transport, Roads and Buildings (PTD.I) Department, dated 26.12.2025, the Transport Department has forwarded the petitioner's case for consideration under Section 20 of the Rights of Persons with Disabilities Act,

2016 (RPwD Act, 2016). Learned counsel further submits that, as per the said G.O., in cases where employees are found medically unfit and fall within any of the 21 specified disabilities under the RPwD Act, 2016, the following measures are contemplated:

i) To provide alternative posts in the cadres of (i) Conductor (ii) Record Tracer (iii) Asst. Mechanic/Shramik in A.P. Public Transport Department (APTTD), subject to fulfilling the eligibility criteria, physical and medical standards prescribed for such alternative posts and availability of vacancies.
ii) If they are found unfit for the alternative posts offered in APPTD, they may be provided alternative posts in other Government Departments by the Districts Collectors.

5. Learned counsel for the petitioner submits that, under Section 20 of the Rights of Persons with Disabilities Act, 2016, an employee who acquires a disability during service is entitled to protection against discrimination on the ground of disability and cannot be dispensed with or reduced in rank merely on the ground of such disability. He further submits that petitioner is entitled to be considered for alternative employment in accordance with the provisions of the said Act and that the G.O. issued by the State Government is not in consonance with the provisions of the Central Act. Learned counsel further submits that, as the said G.O. was issued during the pendency of the present writ petition, petitioner cannot be relegated to approach the authorities afresh for consideration of his case for alternative employment under Section 20 of the Act. He also submits that, in terms of paragraph 8(b) of the said G.O., if the petitioner is found ineligible for the alternative posts offered by the authorities, he may be considered for suitable alternative employment in other

Government departments through the concerned District Collector, without prejudice to his remedies available under law.

6. Learned Standing Counsel for APSRTC further submits that, as petitioner was retired from service on medical invalidation in the year 2024, authorities may have reservations regarding the grant of continuity of service.

7. At this stage, this Court is not inclined to interfere with the proceedings pending before the authorities and deems it appropriate to direct the authorities to pass appropriate orders in accordance with Section 20 of the Rights of Persons with Disabilities Act, 2016 (RPwD Act, 2016), read with G.O.Ms.No.58, Transport, Roads and Buildings (PTD.I) Department, dated 26.12.2025.

8. In view of the above, petitioner is permitted to submit a detailed representation within a period of two (02) weeks from the date of receipt of a copy of this order. Upon receipt of such representation, the respondents are directed to consider petitioner's case and pass appropriate orders in accordance with Section 20 of the Rights of Persons with Disabilities Act, 2016 (RPwD Act, 2016), read with G.O.Ms.No.58, Transport, Roads and Buildings (PTD.I) Department, dated 26.12.2025, within a period of three (03) months from the date of receipt of the representation, after affording the petitioner an opportunity of hearing.

9. With the above directions, the Writ Petition is disposed of. No costs.

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

_____

JUSTICE BALAJI MEDAMALLI

Dated: 12.10.2026
M K K

75

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

Writ Petition No. 28990 of 2024

Date: 12.10.2026

M K K