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(2013) 04 AHC CK 0310

Allahabad High Court

Case No: C.M.W.P. No. 23991 of 2013

Ved Prakash Srivastava		APPELLANT
	Vs	
State of U.P. and Others		RESPONDENT

Date of Decision: April 30, 2013

Citation: (2013) 5 AWC 5402 : (2013) 2 UPLBEC 1415

Hon'ble Judges: Amreshwar Pratap Sahi, J

Bench: Single Bench

Advocate: S.N. Singh and Anurag Srivastava, for the Appellant; Vivek Saran, for the Respondent

Final Decision: Disposed Of

Judgement

Amreshwar Pratap Sahi, J.

Heard Sri S.N. Singh, learned counsel for the petitioner and Sri Vivek Saran for the respondent-U.P. State Road Transport Corporation. The petitioner claims himself to have been disabled on account of an injury during the course of his employment. He prayed for an alternative job and according to the learned counsel for the petitioner he was offered an alternative engagement as per office order dated 20.4.2012.

2. Learned counsel submits that this engagement is a temporary arrangement without any permanent order being passed for taking work on an alternative job to be offered to the petitioner in terms of Regulation 76 of the Uttar Pradesh State Road Transport Corporation Employees (Other than Officers) Service Regulations, 1981.

3. Sri Saran submits that final orders are yet to be passed in terms of the aforesaid regulation, and in case the same has already been passed, the same shall be communicated to the petitioner.

4. Having heard learned counsel for the parties, this Court has been coming across a large number of petitions claiming alternative employment after incurring disability during employment. Regulation 76 is quoted herein under for ready reference:

76. Adjustment of a disabled member.--If an employee has been certified by the Chief Medical Officer of the district or a medical authority prescribed by the corporation to have been incapacitated or disabled from discharging of his normal duty due to any physical injury caused to him during the course of his employment, the appointing authority may give him some other suitable job for which he is eligible:

Provided that if an employee receives compensation in accordance with law applicable to him, the provision of this regulation shall not apply.

5. According to the aforesaid regulation, the employees are insisting for offering alternative employment keeping in view their disability.

6. As an illustration, if a driver has been seriously and severely injured making him physically unfit to drive a vehicle then he seeks an alternative employment. The same is the situation with employees who are visually impaired. There are many such employees who are making such claims and the matters are coming up before this Court in several writ petitions. It is, therefore, clear that in order to avail the said benefit cases are being agitated by respective employees without there being any firm policy undertaken by the U.P. State Road Transport Corporation for adjusting the employees against such posts that might be available for the purpose of Regulation 76.

7. In the aforesaid circumstances, this Court finds it necessary that the U.P. State Road Transport Corporation takes a policy decision in terms of Regulation 76 for identifying such posts that may be available, or otherwise, for the purpose of accommodating such claimants. The appointing authorities, therefore, should be equipped with such guidelines which they will have to follow for the purpose of implementing any claim under Regulation 76.

8. Accordingly, this petition is disposed of with a direction to the concerned authority to consider the claim of the petitioner and pass a final order in relation to his claim as expeditiously as possible preferably within a period of three months. A copy of this order shall be dispatched by the learned counsel for the Corporation to the Chairman for the purpose of considering the framing of a uniform policy in order to be implemented in all regions by the respective appointing authorities keeping in view the provisions of Regulation 76 so that the flow of litigation before this Court is reduced as the authorities would be in a better position to take a decision on the basis of the guidelines so framed. The same should be done within a period of three months.