

JASWANT SINGH AND ANR.

A

v.

THE STATE OF PUNJAB

SEPTEMBER 23, 1996

[K. RAMASWAMY AND G.B. PATTANAIK, JJ.]

B

*Service Law :*

*Appointment—Alternative appointment to Drivers who had become blind while in service—Removal from service not justified—Alternative employment—Directions issued.*

C

*Anand Bihari v. Rajasthan S.R.T.C.*, [1991] 1 SCC 731, relied on.

CIVIL APPELLATE JURISDICTION : Civil Appeal Nos. 12832-33 of 1996.

D

From the Judgment and Order dated 18.7.95 of the Punjab and Haryana High Court in C.W.P. Nos. 3020 and 3027 of 1994.

P.N. Puri for the Appellants.

H.S. Munjral for Manoj Swarup for the Respondent.

E

The following Order of the Court was delivered :

Leave granted.

We have heard learned counsel for the parties.

F

These appeals by special leave arise from the judgment of the Punjab and Haryana High Court made on July 18, 1995 in CWP Nos. 3020 and 3027 of 1994.

The appellants were appointed as drivers. While in service, they became blind and, therefore, they sought for alternative appointment. Instead, they were removed from service. The controversy is no longer *res integra*. This Court in *Anand Bihari v. Rajasthan S.R.T.C.*, [1991] 1 SCC 731 had considered the controversy in similar circumstances and issued directions for alternative appointment as indicated in paragraph 15 of the judgment.

G

H

A "In view of the helplessness shown by the Corporation, we are  
constrained to evolve a scheme which, according to us, would give  
relief as best as it can to the workmen such as the ones involved  
in the present case. While evolving the scheme and giving these  
B directions we have kept in mind that the workmen concerned are  
incapacitated to work only as drivers and are not rendered in  
capable of taking any other job either in the Corporation or  
outside. Secondly, the workmen are at an advanced age of their  
life and it would be difficult for them to get a suitable alternative  
employment outside. Thirdly, we are also mindful of the fact that  
C the relief made available under the scheme should not be such as  
would induce the workmen to feign disability which, in the case of  
disability such as the present one, viz., the development of a  
defective eyesight, it may be easy to do. Bearing in mind all the  
aforesaid factors, we direct the Corporation as follows :

D (i) The Corporation shall in addition to giving each of the retired  
workmen his retirement benefits, offer him any other alter-  
native job which may be available and which he is eligible to  
perform.

E (ii) In case no such alternative job is available, each of the  
workmen shall be paid along with his retirement benefits, an  
additional compensatory amounts as follows :

F (a) where the employee has put in 5 years' or less than 5 years'  
service, the amount of compensation shall be equivalent to 7  
days' salary per year of the balance of his service;

G (b) where the employee has put in more than 5 years' but less  
than 10 years' service, the amount of compensation shall be  
equivalent to 15 days' salary per year of the balance of his  
service;

(c) where the employee has put in more than 10 years' but  
less than 15 years services, the amount of compensation shall  
be equivalent to 21 days' salary per year of the balance of his  
service;

H (d) where the employee has put in more than 15 years' service

but less than 20 years' service, the amount of compensation shall be equivalent to one month's salary per year of the balance of his service; A

(e) where the employee has put in more than 20 years' service, the amount of compensation shall be equivalent in two months' salary per year of the balance of his service. B

The salary will mean the total monthly emoluments that the workman was drawing on the date of his retirement.

(iii) If the alternative job is not available immediately but becomes available at a later date, the Corporation may offer it to the workman provided he refunds the proportionate compensatory amount. C

(iv) The option to accept either of the two reliefs, if an alternative job is offered by the Corporation, shall be that of the workman. D

Under these circumstances, the appeals are allowed. The respondent is directed to consider the cases of the appellants for alternative appointment as and when vacancies arise. No costs.

G.N.

Appeals allowed. E