

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 16726 OF 2000

ORDER:

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Heard learned counsel for the petitioners and learned Standing Counsel for APEWIDC.

The present writ petition came to be filed seeking to declare the proceedings of the second respondent in Rc.No.143/98/A1, dated 29.08.2000 as illegal and arbitrary.

The petitioners were working as N.M.R. work inspectors since 1991, 1992 onwards on daily wages under fourth respondent. Pursuant to the orders passed by this Court in W.P. Nos.7440 of 1998 and 6142 of 1998, seeking regularization of services as work inspectors as per G.O.Ms.No.212 Finance & Planning Department, dated 22.04.1994, the second respondent issued proceedings purporting to reject the request made by the petitioners therein for regularization of service but however with regard to the payment of wages, the second respondent herein through the very same proceedings has sanctioned time scale of pay with effect from 01.12.1998. Accordingly, the petitioners therein along with the petitioners herein and others were treated as IV Class employees and all were paid time scale of pay since then. Subsequently, the second respondent issued impugned proceedings dated 29.08.2000 purporting to allow only daily wages to the petitioners and others under minimum wages Act with immediate effect, thereby the regular time scale of pay sanctioned in favour of the petitioners was withdrawn by the impugned proceedings without any notice and opportunity to the petitioners. Challenging the same, the present

writ petition is filed.

The only argument advanced by the learned counsel for the petitioners is that the impugned proceedings came to be passed by the second respondent without issuing any notice and without giving an opportunity to the petitioners though earlier proceedings were passed entitling them to revise time scale.

Learned Standing Counsel admits that no notice was given while issuing the proceedings dated 29.08.2000.

This Court on 08.09.2000, while issuing rule nisi, suspended the proceedings dated 29.08.2000. It is stated that since then the petitioners are being paid regular time scale.

Since the record reveals that no notice was given to the petitioners while passing the impugned proceedings, the writ petition is allowed setting aside the proceedings of the second respondent in Rc.No.143/98/A1, dated 29.08.2000 by directing the respondents to issue notice to the petitioners and thereafter proceed in accordance with law. No costs.

Consequently, the Miscellaneous Petitions, if any, pending in this Writ Petition shall also stand closed.

JUSTICE C. PRAVEEN KUMAR

22.09.2015
vhb