**THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM**

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**WRIT PETITION No.36861 of 2012**

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**ORDER:**

This writ petition is filed challenging action of the 2nd respondent-Executive Director in not releasing the margin money for the period from 26.8.2011 to 25.1.2012 towards the supply of passenger guides from Kushaiguda depot to Secunderabad Division pursuant to the contract entered between the petitioner and the respondents.

Heard Sri Manda Adam, learned counsel for the petitioner and Sri N. Vasudeva Reddy, learned standing counsel for the Corporation.

It is the case of the petitioner that he is a retired employee of the respondents-Corporation and the retired employees of the respondents-Corporation have formed into an Association viz., A.P.S.R.T.C Retired Employees Association vide Reg.No.671/2005 and the petitioner was elected as a Secretary for the Greater Hyderabad Zone. While things stood thus, the 2nd respondent-Corporation invited the applications for allotment of work of Traffic Monitoring activity by engaging persons to work as Passenger/Customer Relations Guides at Traffic Generating Points/Terminals under the control of DVM/SD. Pursuant to the notification, the petitiner applied for the said work and the 2nd resopondent after its scrutiny accorded the sanction vide office order dated 16.09.2011 allotting the work on nomination basis at the rate of Rs.4,312/- (Minimum wage + 7% Profit Margin) per person per month. Consequently, the petitioner engaged the persons to work as Passenger/Customer Relations Guides from Kushaiguda Depot to Secunderabad Division and they had discharged their duties satisfactorily, but the 2nd respondent-authorities did not pay the amount to the petitioner in terms of the sanction order dated 16.09.2011. The petitioner also got issued a legal notice calling upon the 2nd respondent to pay the amount in terms of the office order dated 16.09.2011, but the 2nd respondent neither paid the amount nor gave any reply to the legal notice. Hence, the present writ petition.

A counter-affidavit has been filed by the respondents-Corporation. In para No.5 of the counter-affidavit, it has been admitted that as per the sanction order, the wages were paid to the Retried Employees from 26.7.2011 to 25.01.2012, but the profit margin was paid for the month of August, 2011 only as Mr. N.N. Christopher had resigned to the post of Secretary of Association and no other representative from the Association Regd.No.671/2005 was appointed as an authorized person to collect the profit margin. The 7% margin profit would be payable only to APSRTC Retired Employees Association with Registration No.671 of 2005 and not to the APSRTC Retired Employees Association, represented by its Secretary, Hyderabad with Registration No.897 of 2011, which came to be registered by the petitioner in the month of August, 2011.

A perusal of the material available on record, it is clear that through the work order dated 16.9.2011, Retired Employees Association, Represented by Mr. N.N. Christopher was awarded the contract under which minimum wage plus 7% profit was agreed to be paid. It is also an admitted fact that the minimum wage portion along with 7% profit margin amount representing for the month of August, 2011, was also paid. The balance period for September to January, margin money is required to be paid to the Association.

The learned counsel for the petitioner also does not dispute that a new association came to be formed in the month of August, 2011 and he also does not dispute that the amount is payable to the members of the association. The details of individuals who had worked at the relevant point of time are available with the Corporation. It is evidently clear from the very office order dated 16.9.2011 wherein one of the conditions of engaging the services of the association is that the monthly remuneration to the individual passenger guides shall be made through cheques directly to their respective bank accounts. In that view of the matter and considering the very prayer of the writ petitioner that the retired employees association is entitled to be paid 7% margin, the writ petition can be disposed of with a direction to the respondents-Corporation to pay the 7% profit margin which has been withheld to the respective individual passenger guides who had rendered services for the period from 26.08.2011 to 25.01.2012.

Learned counsel for the petitioner reports no objection for making payment to the respective members as it is not the claim of the writ petitioner that the amount is required to be paid to him. In that view of the matter as the payment is required to be made to the individual members of the society even as per terms of the work order, it does not make much difference whether the petitioner resigned on 16.7.2011 or whether he continued to be the Secretary of the Society as ultimately the payment is required to be made to the persons who had rendered service for the period 26.08.2011 to 25.01.2012.

Accordingly, the writ petition is disposed of with a direction to the respondents-authorities to make payment of 7% profit margin amount for the period 26.08.2011 to 25.01.2012 to the petitioner, if not already paid, after deducting the amount of profit which has been paid for the month of August, 2011 within a period of eight weeks from the date of receipt of copy of the order. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

**CHALLA KODANDA RAM, J.**

Date:23.11.2015.

Gk.

**THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM**

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**WRIT PETITION No.36861 of 2012**

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**Date:23.112015.**

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