

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

W.P. No.27783 of 2012

Between:

The Additional Chief Secretary to Government,
Women Development & Child Welfare,
Secretariat Buildings, A.P.,
Hyderabad and others.

... Petitioner

And

Sri Chitada Malleswara Rao

... Respondent

JUDGMENT PRONOUNCED ON 21.12.2015

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**THE HON'BLE SRI JUSTICE G. CHANDRAIAH
AND
THE HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO**

1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? :
2. Whether the copies of judgment may be
marked to Law Reporters/Journals. :
3. Whether their Ladyship/Lordship wish to
see the fair copy of the Judgment? :

**THE HON'BLE SRI JUSTICE G. CHANDRAIAH
AND**

THE HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO

W.P. No.27783 of 2012

ORDER: (Per the Hon'ble Sri GC, J)

This writ petition has been filed seeking *Writ of Certiorari* calling for the records relating to and connected with O.A. No.9253 of 2010, dated 27.10.2011 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad and to quash or set aside the same holding as erroneous and contrary to law.

This Court on 05.09.2012, while ordering rule nisi passed the following interim order in WPMP. No.35376 of 2012.

“Admittedly, the respondent was appointed as a Watchman on daily wage basis on 15-06-1990. Therefore, he is not entitled for regularization of his services, as he has not completed five years of service as on 25-11-1993 as per G.O.Ms.No.212, dated 22-04-1994. The respondent has filed O.A. No.9253 of 2010 before the A.P. Administrative Tribunal, Hyderabad (for short “the Tribunal”) seeking to grant minimum time scale attached to the post of Watchman on par with the daily wage employees working in Forest Department. The Tribunal vide its order, dated 27-10-2011, allowed the O.A. following the earlier orders of the Tribunal.

We are of the *prima facie* opinion that as long as the daily wage workers, who are not entitled for regularization, are continuing, they are only entitled for minimum time scale attached to the post of Watchman.

Accordingly, pending further orders, we suspend the operation of the order of the Tribunal. However, the petitioners are directed to pay minimum of the time scale attached to the post of Watchman to the respondent.”

Seeking to vacate the interim order dated 05.09.2012 WVMP. No.794 of 2015 was filed.

Today, when the matter has been taken up for hearing, the learned counsel on either side submitted that similar batch of writ petitions have been disposed of by this Court in W.P. No.30530 of 2012 and batch vide its common order dated 28.08.2014 and sought to dispose of this writ petition in

terms of the said common order.

As could be seen, this Court disposed of the W.P. No.30530 of 2012 and batch vide its common order dated 28.08.2014, operative portion of the same reads as under:

“Following the judgment in **UMADEVI’s case** (1supra), the respondents in all the Writ Petitions are entitled to the wages equal to the salary at the Lowest Grade of the employees of their cadre in their respective departments from the date of judgment of the Tribunal. However, it is made clear that all the respondents are only daily-wage earners, there would be no question of other allowances being paid. Therefore, the impugned order to the extent of directing the Government to pay Minimum Time Scale of Pay together with Dearness Allowance and also back wages for three years prior to filing of aforesaid Original Applications is set aside and modified as indicated above.”

In that view of the matter, having regard to the submissions made by the learned counsel on either side, this writ petition is disposed of in terms of the common order dated 28.08.2014 passed in W.P. No.30530 of 2012 and batch.

As a sequel, miscellaneous petitions, if any, stands closed.

There shall be no order as to costs.

JUSTICE G.CHANDRAIAH

JUSTICE U.DURGA PRASAD RAO

Date: 21.12.2015
LSK