

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

W.P. No.23524 of 2007

Between:

The Commissioner,

Nellore Municipality,

Rep. by its Commissioner. ... Petitioner

And

O.Narasaiah and others. ... Respondents

JUDGMENT PRONOUNCED ON 09.11.2015

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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.23524 of 2007

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

This writ petition has been filed aggrieved by the order dated 06.03.2007 passed in O.A. No.6260 of 2006 by the Andhra Pradesh Administrative Tribunal, Hyderabad.

The petitioner in this writ petition is the Commissioner, Nellore Municipality, and the respondents are the applicants in O.A. No.6260 of 2006 wherein the applicants sought to declare the action of the respondents therein not paying increments in spite of applicants drawing minimum time scale of pay as illegal arbitrary and violative of Article 14 of the Constitution of India and consequently to direct the

respondents therein to sanction increments in the time scale attached to their posts. The learned Tribunal vide its order dated 06.03.2007 disposed of the said application with a direction to the respondents therein to sanction periodical increments to the applicants on similar lines as in O.A. No.9466 of 2001. Aggrieved by the same, the petitioner filed the present writ petition.

This matter has been listed under the caption "Specially identified cases".

Today, when this matter has been taken up for hearing, the learned Government Pleader submitted that though this writ petition has been filed aggrieved by the order passed by the learned Tribunal but subsequently, similar writ petitions have been filed before this Court and this Court vide its common order dated 28.08.2014 passed in W.P. No.30530 of 2012 and batch, modified the same and a copy of the same has been placed before this Court for perusal and sought to pass similar order in the present writ petition.

The operative portion of the modified order passed by this Court on 28.08.2014 in W.P. No.30530 of 2012 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.

With the above direction, all the Writ Petitions are disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, shall stand closed."

In that view of the matter, this writ petition is also disposed of in terms of the 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

Date: 09.11.2015

LSK