

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NOS.7597, 7610 AND 11073 OF 2012

DATED 10th APRIL, 2015

W.P.No.7597 of 2012

Between:

Mr. P. Radha Krishna .. Petitioner

and

State of Andhra Pradesh, Health, Medical

And Family Welfare Department and another .. Respondents

W.P.No.7610 of 2012

Between:

Mr. V. Sridhar and another .. Petitioners

and

State of Andhra Pradesh, Health, Medical

And Family Welfare Department and another .. Respondents

W.P.No.11073 of 2012

Between:

A. Aruna and others .. Petitioners

and

State of Andhra Pradesh, Health, Medical

And Family Welfare Department and another .. Respondents

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION NOS.7597, 7610 AND 11073 OF 2012

COMMON ORDER

These writ petitions were instituted at a point of time when the erstwhile State of

Andhra Pradesh was in existence and it is arrayed as the first respondent. However, in the light of the bifurcation of the State under the Andhra Pradesh Reorganisation Act, 2014, which came into effect from 02.06.2014, both the successor States are proper and necessary parties. The State of Telangana is therefore impleaded *suo motu* as respondent No.3 in these three writ petitions.

The petitioners in these three cases are *ad hoc* employees of Dr. N.T.R. University of Health Sciences (for brevity, 'the university'). Their grievance is with regard to the letter dated 25.12.2010 issued by the erstwhile State of Andhra Pradesh, whereby the proposal of the university for implementing the Revised Pay Scales 2010 for *ad hoc* employees of the university was turned down by the State on the ground that it was not feasible for compliance.

By separate interim orders passed in these three cases, this Court directed the university to fix and implement the Revised Pay Scales 2010 to *ad hoc* employees in terms of its own recommendation dated 25.09.2010 on par with its earlier proceedings, whereby such *ad hoc* employees were given the benefit of the Revised Pay Scales of 2000 and 2005.

Vacate stay petitions were filed by the State as well as the university to vacate the aforesaid interim orders. However, upon perusing the material on record and hearing the learned counsel for the parties, this Court is of the opinion that the writ petitions are amenable to final disposal. Learned counsel for the parties are also agreeable to such course of action.

It is an admitted fact that the university extended to its *ad hoc* employees the benefit of the revision of pay scales effected in the years 2000 and 2005. Such extension was effected pending the approval of the State, which never materialized. However, in so far as the Revised Pay Scales 2010 are concerned, the university addressed letter dated 25.09.2010 to the State, wherein it stated as follows:

'I am by direction to inform that the University is prepared to meet the additional expenditure on implementing the pay scales of RPS'2010 to the Adhoc Employees of the University. Hence, I request you to permit the University to implement the Pay Scales of RPS'2010 to the Adhoc Employees since they were drawing RPS'2005 and also provided with 22% of Interim Relief on Basic Pay.

The additional expenditure if required shall be met from the University funds.'

Upon the aforestated proposal and recommendation of the university, the State issued the impugned letter dated 25.12.2010, wherein it was cryptically stated as under:

‘We would like to inform that the proposal for implementation of the Revised Pay Scales 2010 to Adhoc Employees of the Dr.NTR University of Health Sciences, Vijayawada, is not feasible for compliance.

This letter is being issued with the concurrence of the Finance (PC.III) Department, vide their U.O.No.29965-B/631/A1/PC.II/2010, dated : 03.12.2010.’

Sri G. Vidyasagar, learned senior counsel appearing for the petitioners in these cases, stated that the *ad hoc* employees were placed on a time scale and were also given the benefit of HRA and CCA as per G.O.Rt.No.119, Higher Education (UE.I) Department, dated 16.02.2013. He further stated that the university addressed letter dated 30.05.2013 to the Pay Revision Commissioner, 10th Pay Revision Commission, Hyderabad, requesting that the 10th Pay Revision Commissioner should include all the *ad hoc* employees working in the university in his report and extend the implementation of the RPS recommended by him to such *ad hoc* employees treating them on par with work charged employees and full time contingent employees as such *ad hoc* employees were also discharging duties on par with regular employees.

The aforestated G.O. dated 16.02.2013 and the letter dated 30.05.2013 are placed on record.

Given the aforestated circumstances, as the impugned letter dated 25.12.2010 is bereft of reasons and the counter-affidavits filed by the State in these matters also do not shed any light as to why the State found the proposal of the university not feasible for compliance, this Court is of the opinion that the matter requires to be reconsidered by both the States duly taking note of the subsequent developments, including G.O.Rt.No.119 dated 16.02.2013 as well as the university’s recommendation in its letter dated 30.05.2013. Both the States would necessarily have to consider all aspects of the matter and take reasoned decisions. This exercise shall be completed expeditiously and in any event, not later than four

months from the date of receipt of a copy of this order.

The writ petitions are disposed of with the above directions. Pending miscellaneous petitions, if any, in all the matters shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

10th APRIL, 2015

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