

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION Nos.10515 and 12488 OF 2009

COMMON ORDER:

These writ petitions are filed challenging the G.O.Ms.No.11, Women Development, Child Welfare & Disabled Welfare (WP) Department, dated 18.02.2009, wherein the pay scales of the petitioners working in the 2nd respondent Corporation have been limited to minimum time scale of pay.

Learned counsel for the petitioners submits that though the petitioners are working for the last 25 years and they have been granted promotions, by virtue of G.O.Ms.No.11 their pay was reduced to minimum time scale without granting allowances which is illegal and arbitrary. He also submits that after following due procedure only petitioners were appointed and promotions were granted to the petitioners, as such, they cannot be denied allowances. It also submitted that pending disposal of writ petitions the 1st respondent issued G.O.Ms.No.44, Women Development, Child Welfare & Disabled Welfare (WP) Department, dated 18.08.2010 excluding the permanent employees, contract employees of the 2nd respondent Corporation from the purview of G.O.Ms.No.11, dated 18.02.2009 and that though the petitioners are working for more than 25 years, G.O.Ms.No.44 dated 18.08.2010 was not applied to the petitioners

On the other hand learned Government Pleader for Women and Child Welfare Department (Telangana) submits that the

petitioners are not permanent employees and the G.O.Ms.No.44 does not automatically apply to them. He also submits that the Managing Director, Telangana State Women Co-op. Development Corporation has addressed a letter dated 27.08.2015 and 25.05.2016 seeking for grant of HRA, CCA and Annual Grade Increments and it is under consideration before the Government. Even in the counter affidavit filed by the 2nd respondent it is stated that the then Managing Director has made certain illegal appointments in violation of Section 116 C of A.P.Co-operative Societies Act, 1964 and Act 2 of 1994, G.O.Ms.No.212, dated 22.04.1994.

Though such stand is taken in the counter, the Managing Director of Telangana State Women Co-op. Development Corporation has addressed letters seeking for sanction of HRA, CCA and Annual Grade Increments to the employees. In the counter affidavit it is stated that the Managing Director without proper sanction has granted promotions, but the fact remains that though the petitioners are working for more than 25 years only in some cases promotions were granted.

In view of the above facts and circumstances, it is open for the petitioners to make necessary application in terms of G.O.Ms.No.44 Women Development, Child Welfare & Disabled Welfare (WP) Department, dated 18.08.2010. Since it is stated that out of all the petitioners some petitioners are working in the State of Telangana and some petitioners are working in the State of

Andhra Pradesh, on receiving the applications from the employees who are working in the State of Telangana, the State of Telangana is directed to consider the proposal sent by the Managing Director on 27.08.2015 and 25.05.2016. The State of Andhra Pradesh is also directed to dispose of the applications made by the petitioners working in the State of Andhra Pradesh, in terms of G.O.Ms.No.44 dated 18.08.2010, in respect of employees who are working for more than 20 years, since it is stated that all the employees were appointed after regular selection process. However, since it is stated that during the pendency of the writ petitions certain amounts were recovered from the petitioners by applying G.O.Ms.No.11 dated 18.02.2009, that aspect may also be considered by both the States while passing the orders. In case the Government wants to consider the case of the petitioners, the said amounts have to be reimbursed to the petitioners.

Accordingly, the writ petitions are disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petitions, shall stand closed.

A.RAJASHEKER REDDY, J

02.12.2016
t k.