

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
HON'BLE SRI JUSTICE M.S.K.JAISWAL

WRIT PETITION No.7537 of 2016

Date:10.3.2016

Between:

The Greater Visakhapatnam
Municipal Corporation, repled.,
by its Commissioner.

....Petitioner

And:

K.Kolli Appanna @ Appa Rao,
S/o Appanna and 42 others.

.....Respondents

Counsel for the petitioner: Mr. S.Lakshminarayana Reddy

Counsel for Respondent Nos.1 to 39: Mr. P.Raghavender
Reddy

The Court made the following:

ORDER: *(per Hon'ble Sri Justice C.V.Nagarjuna Reddy)*

This Writ Petition is an unnecessary piece of litigation indulged in by the Greater Visakhapatnam Municipal Corporation (for short 'the GVMC'), evidently, on misreading of order, dated 15.6.2015, in Original Application No.2855 of 2012 on the file of the Andhra Pradesh Administrative Tribunal at Hyderabad (for short 'the Tribunal').

Respondent Nos.1 to 39 (hereinafter referred as 'the private respondents') were working as Nominal Muster Rolls in the erstwhile Gajuwaka Gram Panchayat.

Subsequent to its merger in the GVMC, the private respondents applied for regularization of their services. During their tenure as daily wagger workers, they were being paid the Minimum Time Scale (MTS) with effect from 10.10.2011 and their services were regularized in the MTS. They have filed the above-mentioned O.A. to declare the action of the petitioner in not granting notional seniority without monetary benefits with effect from 25.11.1993, in terms of G.O.Ms.No.212, Finance (PC.III) Department, dated 22.4.1994, for the services rendered by them on daily wage basis and also in not protecting the pay scales already drawn by them with effect from 1990-1991 as illegal and arbitrary. The said O.A. was partly allowed by the Tribunal by the impugned order, whereunder while rejecting the claim of the private respondents to give the benefit of notional seniority with effect from 25.11.1993, it has, however, granted the relief of protection of the pay scale which was being drawn by them prior to their regularization. Feeling aggrieved by this part of the relief granted to the private respondents, the GVMC filed this Writ Petition.

Mr. S.Lakshminarayana Reddy, learned Standing Counsel for the GVMC, submitted that in the guise of the impugned order of the Tribunal, the private respondents have been claiming application of the regular pay scale with effect from 25.11.1993.

Mr. P.Raghavender Reddy, learned counsel for the private respondents, disputed the above submission of the learned Standing Counsel and stated that his clients only claimed protection of the pay scale which was being drawn by them prior to their regularization, as per the impugned order of the Tribunal, and that, they have neither claimed nor the Tribunal granted any further relief.

A perusal of the impugned order of the Tribunal would clearly show that the first part of the relief claimed

by the private respondents, viz., to give notional seniority without monetary benefits retrospectively was turned down by the Tribunal and the relief that was granted by it was only confined to protecting the monetary benefits to the extent of the pay scale drawn by them prior to their regularization. This shall necessarily mean that the petitioner cannot fix the pay lesser than the pay scale which was being paid to the private respondents as on the date of their regularization. Therefore, the private respondents are not entitled to claim any larger benefit than the above-mentioned relief granted by the Tribunal.

Subject to this clarification, the Writ Petition is dismissed.

As a sequel to dismissal of the Writ Petition, WPMP.No.9613 of 2016 filed by the petitioner for interim relief is dismissed as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

JUSTICE M.S.K.JAISWAL

*10th March 2016
DR*