

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.33087 of 2015

ORDER

This writ petition is filed challenging the action of the respondents in not granting the minimum time scale of pay attached to the post of Attender to the petitioner.

The petitioner was appointed as Sweeper on contingent basis in the office of Dr.B.R.Ambedkar Type Writing and Shorthand Institute run by the 4th respondent in the year 1992 on a consolidated pay of Rs.300/- per month and worked as such till 30.11.1995. Thereafter, on his representation, the 4th respondent converted him into a daily wage employee and appointed him as Attender and also fixed his wages. He has been working for the last 20 years without any break in service. He made representation dated 21.8.2015 to the 2nd and 4th respondents for grant of minimum time scale of pay. While keeping the representation of the petitioner pending, the first respondent issued G.O.Rt.No.146, Social Welfare (SCP.II) Department, dated 4.3.2013, granting minimum time scale of pay to the similarly situated persons. He also submits that the Forest Department also issued G.O.Rt.No.384, dated 20.07.2010, extending minimum

time scale of pay and DA to the workers who are working on daily wage basis. In those circumstances, the present writ petition was filed challenging the action of the respondents in not granting minimum time scale of pay.

No counter-affidavit is filed on behalf of the respondents.

Learned counsel appearing for the petitioner submitted that this Court disposed of W.P.No.26479 of 2011 on 30.1.2012 and based on the same three other writ petitions were disposed of on 17.07.2012 with the following observations.

“..... these writ petitions are disposed of directing the Government of Andhra Pradesh, represented by its Principal Secretary, Social Welfare Department, to take appropriate action in the matter basing upon the proposals submitted by then Andhra Pradesh Scheduled Castes Cooperative Finance Corporation Limited on 27.4.2010 (insofar as the petitioner in W.P.No.25792 of 2011 is concerned), 25.4.2010 (insofar as the petitioner in W.P.No.662 of 2012 is concerned) and 1.10.2010 (insofar as the petitioner in W.P.No.5050 of 2012 is concerned). The Government of Andhra Pradesh shall keep in mind the relief granted to Ch.Bhaskar Rao and B.Janardhan Rao, daily wage employees working in the society under the control of the A.P.Scheduled Castes Cooperative Finance Corporation Limited, who were identically situated to the petitioners herein, under its letter dated 29.07.2010 while considering the cases of the petitioners. This exercise shall be completed by the Principal Secretary, Social Welfare Department, Government of Andhra

Pradesh, within a period of six (6) weeks from the date of receipt of a copy of this order. W.P.M.P.No.31805 of 2011 in W.P.No.25792 of 2011, W.P.M.P.No.821 of 2012 in W.P.No.662 of 2012 and W.P.M.P.No.6441 of 2012 in W.P.No.5050 of 2012 shall stand dismissed in the light of this final order. There shall be no order as to costs.”

G.O.Rt.No.146, dated 4.3.2013, was issued in pursuance of the said direction only. The working of the petitioner on daily wage basis from 1992 as Sweeper and from 1995 as Attender is not disputed. It is inhuman to extract the work on daily wage basis for the last 20 years without even paying the minimum time scale of pay.

In view of the same, this Writ Petition is allowed directing the respondents to grant minimum time scale of pay to the petitioner as was done in the case of similarly situated persons and issue appropriate orders within a period of three (3) months from the date of receipt of a copy of this order. There shall be no order as to costs.

As a sequel thereto, miscellaneous applications, if any, pending in this writ petition shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

26th July, 2016

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