

**HONOURABLE SRI JUSTICE G.CHANDRAIAH
AND
HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO**

WRIT PETITION No. 25273 of 2014

DATED 18TH JANUARY, 2016

BETWEEN

The Government of Andhra Pradesh,
Rep. by its Prl.Secretary to Environment, Forests, Science
and Technology Department, AP, Hyderabad and ors.

...Petitioners

And

K.Chinnabba Reddy and ors

...Respondents

**HONOURABLE SRI JUSTICE G.CHANDRAIAH
AND
HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO**

WRIT PETITION No. 25273 of 2014

ORDER: (Per Hon'ble Sri Justice G. CHANDRAIAH)

This Writ Petition is filed by the State aggrieved by the order dated 27.09.2013 passed in O.A.No.6976 of 2013 by the Andhra Pradesh Administrative Tribunal (for short 'the Tribunal') whereby the Tribunal while allowing the aforesaid OA directed the petitioner authorities (respondents in OA) to grant HRA and annual grade increments etc to the respondents/applicants as

was sanctioned to the persons similarly situated in the time scale and also to pay arrears and further directed to extend the benefit of pay revision to them made from time to time.

It was the case of the respondents/applicants before the Tribunal that they are working as Watchman, Assistant Beat Officer, Labourer, Helper, Bunglaow Watcher, Office Subordinate, Office Watcher and Cleaner in the petitioners-Department and they filed the aforesaid OA before the Tribunal seeking to release the increments, HRA, Additional HRA, Uniform Allowance, CCA Allowance and Revision of Pay Scales to them on par with the benefits extended in respect of daily wage employees of Municipal Administration Department through G.O.Rt.No.1225 dated 02.08.2013, G.O.Rt.No.405, dated 30.03.2012 and G.O.Rt.No.119, Higher Education (UE.1)Department, dated 16.2.2003 and in terms of the judgment of this Court in Writ Petition No. 27214 of 2005, dated 23.08.2006 and Writ Petition No. 2413 of 2011, dated 30.08.2011 which were confirmed by the Apex Court in SLP.No.6442 of 2007, dated 23.11.2009. It was their case that they were appointed on daily wage basis prior to 1993 and that the Government through G.O.Rt.No.117, Environment, Forests, Science and Technology (For.V) Department, dated 27.02.2009 extended the minimum time scale against the sanctioned posts. It was their further case that the Government issued orders dated 13.5.2009 for implementation of G.O.Ms.No.117, dated 27.02.2009 against the existing clear vacancies in favour of Daily Wage Workers and accordingly all the respondents/applicants were extended the minimum time scale pursuant to the proceedings dated 6.9.2009, 7.9.2009 and

7.10.2010. According to the respondents/applicants, a similar issue came up for consideration before the Tribunal in OA.No.7915 of 2002 and the Tribunal allowed the said OA by order dated 26.08.2002 directing the authorities to release increments, HRA, CCA and other allowances to such of daily wage employees. Against the said order, the State preferred Writ Petition No. 27214 of 2005 and a Divisions Bench of this Court dismissed the said writ petition through order dated 23.08.2006 upholding the orders of the Tribunal and the orders of the Division Bench were confirmed by the Apex Court in SLP.No.6422 of 2007 preferred by the State by order dated 23.11.2009. It was also the case of the respondents/applicants that a similar issue came up for consideration before the Tribunal in OA.No.7335 of 2010 and the same was allowed by the Tribunal on 27.10.2010, against which, Writ Petition No. 24330 of 2010 preferred by the State was dismissed. It was also their case that 64 daily wage employees of Visakhapatnam Municipal Corporation filed OA.Nos.8128, 8129 and 8131 of 2011 and the Tribunal following the earlier orders, allowed the aforesaid OAs by common order dated 29.9.2009 directing the authorities to grant increments, HRA, CCA and other allowances. Against the said common order of the Tribunal, the State preferred Writ Petition Nos. 759, 760 and 979 of 2012 and a Division Bench of this Court confirmed the orders of the Tribunal through order dated 7.6.2012. Against the said orders of this Court, the authorities preferred SLP Nos. 22852, 22930 of 2012 and 1722 of 2013 and the same were dismissed by the Apex Court on 21.3.2013. It was the further case of the respondents/applicants that in pursuance of the orders of the Tribunal supra, the Government issued respective orders in

G.O.Rt.No.1225, dated 2.8.2013, G.O.Rt.No.405, dated 30.03.2013 and G.O.Rt.No.119, Higher Education (UE.1) Department, dated 16.2.2013 granting HRA and CCA benefits in respect of the daily wage employees. It is their further case that the State wide association made a representation on 1.12.2012 for extending the benefits as was granted in respect of other similarly placed employees and the Principal Secretary, EFS & T Department sent recommendations on 17.6.2013 to the Finance Department and the same are still pending consideration on the ground that there are no favourable orders passed by the Court in favour of the respondents/applicants.

It was the case of the petitioners (respondents in OA) before the Tribunal that if the request of the employees association is considered favourably, it will have wider implications with huge financial exchequer to the Government and that a report was submitted to the Government on 4.5.2013 informing that these time scale employees are extended minimum time scale & DA and they are not entitled on par with Government employees like grant of increments and other benefits. It was further submitted that these time scale employees are not entitled for any benefits of HRA, CCA, increments and other benefits on par with Government Employees and they are entitled only admissible wages as stipulated in G.O.Rt.No.117, dated 27.02.2009 and G.O.Rt.No.384, dated 20.07.2010.

The Tribunal after considering the various orders passed in the OAs preferred by the similarly situated employees as stated supra, which were upheld by this Court and the Apex

Court, allowed the OA preferred by the respondents/applicants through the orders impugned in the present Writ Petition.

Though the petitioners-State has assailed the impugned order passed by the Tribunal on various grounds, we are not inclined to consider the same inasmuch as the Tribunal has passed the impugned order following its earlier orders passed in OAs preferred by the similarly situated persons, which were upheld by this Court as well as Apex Court as stated supra. In that view of the matter, we see no merit in the present Writ Petition.

The Writ Petition is dismissed. Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

JUSTICE G.CHANDRAIAH

JUSTICE U.DURGA PRASAD RAO

DATED 18th JANUARY, 2016.
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