

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 11448 of 2014

Order:

The petitioner is a Graduate and was appointed in the fourth respondent society as a Section Writer on 17.10.1989. He passed departmental test Parts-I and II and Executive Officers examination. He has been working for the last 25 years without any break in service. He submitted a representation on 05.02.2013 to the fourth respondent 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 04.03.2013, 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.

2. A counter affidavit is filed stating that though the first respondent issued G.O.Rt.No.146, dated 04.03.2013, extending minimum time scales to the 12 persons working in the District Societies, it was issued only to implement the orders of this Court passed in WP No.5050 of 2012. It appears that the Vice Chairman and Managing Director issued a letter on 31.07.2013 directing them not to take any action on the service matters pertaining to the persons engaged on NMRs/daily wage/Section Writer/Consolidated pay/contract basis for sanction of time scales without specific orders from the Government/Vice Chairman and Managing Director of the Corporation.

3. Learned counsel for the petitioner submitted that this Court disposed of WP No.26479 of 2011 on 30.01.2012 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 the 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 01.10.2010 (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 29.7.2010 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.”

4. The G.O.Rt.No.146, dated 04.03.2013, was issued in pursuance of the said direction only. The working of the petitioner on daily wage basis from 17.10.1989 as Section Writer is not disputed. It is inhuman to extract the work on daily wage basis for the last 25 years without even paying the minimum time scale of pay.

5. 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.

6. As a sequel thereto, the miscellaneous applications, if any, pending in this Writ Petition shall stand closed.

A.
Date: 15.06.2016
Nsr

RAMALINGESWARA RAO, J