

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

THURSDAY, THE NINTH DAY OF JUNE TWO THOUSAND AND SIXTEEN
(09.06.2016)

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

WRIT PETITION Nos.18070, 18100, 18120 & 18169 OF 2016

WRIT PETITION No.18070 OF 2016

The Union of India, Rep. by its Secretary,
Department of Atomic Energy,
Anushakthi Bhavan, CSM Marg, Mumbai
And two others. --- Petitioners.

And

Sri D. Sankara Naidu and another. --- Respondents.

WRIT PETITION No.18100 OF 2016

The Union of India, Rep. by its Secretary,
Department of Atomic Energy,
Anushakthi Bhavan, CSM Marg, Mumbai
And two others. --- Petitioners.

And

Sri B.P. Subba Rao and two others. --- Respondents.

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WRIT PETITION No.18120 OF 2016

The Union of India, Rep. by its Secretary,
Department of Atomic Energy,
Anushakthi Bhavan, CSM Marg, Mumbai
And two others. --- Petitioners.

And

Sri R. Subba Rao and another. --- Respondents.

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WRIT PETITION No.18169 OF 2016

The Union of India, Rep. by its Secretary,
Department of Atomic Energy,

Anushakthi Bhavan, CSM Marg, Mumbai
And two others. --- Petitioners.

And
Sri P. Sasidhar and another. --- Respondents.

Counsel for the petitioners : Mr. B. Narayana Reddy,
Additional Solicitor General.

Counsel for the respondents
Nos.1 to 2/3. : -----

This Court made the following:

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

These writ petitions are filed raising a common issue against similar but separate orders passed by the Central Administrative Tribunal, Hyderabad Bench, Hyderabad (for short, 'the Tribunal').

The issue raised by the private respondents in these writ petitions, and in the O.A.s filed by them before the Tribunal, pertains to treating the increments granted to them under Office Memorandum, dated 03.02.1999, as 'pay' as defined under Fundamental Rule 9 (21) (a). Following the judgment of Kerala High Court in W.P. (Civil) Nos.29358 of 2004, as upheld by the Supreme Court by its order dated 04.04.2011 in S.L.P. No.555-560 of 2008, the Tribunal has allowed other O.As. One such O.A. was O.A. No.393 of 2013. Assailing the said order, the petitioners filed W.P. No.13338 of 2016, which was dismissed by this Court by detailed reasons.

Mr. B. Narayana Reddy, learned Assistant Solicitor General, has fairly conceded that the private respondents in these writ petitions, who also obtained relief from the Tribunal by filing separate O.As, are similarly placed to the private respondents in W.P. No.13338 of 2016 and that the issues raised in these writ petitions are squarely covered by the previous batch of cases.

In the light of the above facts and submissions of learned Assistant Solicitor General, these writ petitions are liable to be dismissed and the same are, accordingly, dismissed.

As a sequel to dismissal of these Writ Petitions, W.P.M.P. No.22197 of 2016 in W.P. No.18070 of 2016, W.P.M.P.22233 of 2016 in W.P. No.18100, W.P.M.P. No.22259 of 2016 in W.P. No.18120 of 2016 and W.P.M.P. No.22313 of 2016 in W.P. No.18169 of 2016 shall stand dismissed as infructuous respectively.

C.V. NAGARJUNA REDDY, J

G. SHYAM PRASAD, J

Date: 09-06-2016.
Dsh

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WRIT PETITION Nos.18070, 18100, 18120 & 18169 OF 2016

(Common Order of the Division Bench delivered by
Hon'ble Sri Justice C.V. Nagarjuna Reddy)

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Date. 09-06-2016

DSH