

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY  
AND  
HON'BLE SRI JUSTICE G.SHYAM PRASAD

WRIT PETITION No.19449 of 2016

Date:08.7.2016

**Between:**

The Secretary, Zilla Grandhalaya  
Samstha, Ranga Reddy District and four others.

**.....Petitioners**

**And:**

M.Yadaiah, S/o Laxmaiah  
and 43 others.

**....Respondents**

Counsel for the petitioners: Mr. Andapalle Sanjeev Kumar  
for Special Government Pleader  
(TS)

Counsel for Respondent Nos.1 to 43: Mr. Ch.Ganesh

The Court made the following:

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

This is an unfortunate case, where petitioner No.4, the executive face of the Welfare State, not only denied respondent Nos.1 to 43 (hereinafter referred as 'private respondents') the minimum wages which are being paid to similarly situated persons (for convenience 'the

counter parts') with the only difference that their appointment/engagement was after 25.11.1993. Instead of gracefully accepting the order of the Andhra Pradesh Administrative Tribunal, Hyderabad (for short 'the Tribunal'), the petitioners chose not only to challenge the said order by filing the present Writ Petition but also to rigorously pursue the same.

Since the relevant facts have already been stated by the Tribunal in the O.A., it is not necessary to repeat the same in this order. The fact, however, remains that the private respondents have been continued as part-time Attenders/Helpers in various branch libraries under the control of Zilla Grandalaya Samsthas in Ranga Reddy and Nalgonda Districts for more than two decades for a pittance.

As given out by the learned Government Pleader for Services (Telangana State), the private respondents started their career as part-time Attenders/Helpers on a monthly wage of Rs.75/- and as on the date of their approaching the Tribunal, they were being paid Rs.2,080/- per month. The petitioners do not deny the fact that under G.O.Rt.No.841, Education (PE-LIB), Department, dated 28.11.2011, in respect of the counter parts, the wages were increased to Rs.6,700/- per month.

It is also not in dispute that the only difference between the private respondents and the counter parts is that the latter were engaged prior to 25.11.1993, the date on which Act 2 of 1994 came into force, and the justification offered by the petitioners for paying measly wages to the private respondents is that since the provisions of the said Act prohibited the daily wage appointments and regularisation of temporary appointments, the private respondents are not entitled to the minimum wages which are being paid to their counter

parts.

The petitioners were unable to convince the Tribunal to accept this stand, and, in our view rightly. If a person is engaged contrary to a statutory provision or executive instructions, he may not be entitled to be continued, but when the State has chosen to continue him, it lies ill in its mouth to say that they can choose to violate the provisions of the Minimum Wages Act, 1948. Such a stand would amount to making the alleged illegal appointees to survive with half starved stomachs. In a welfare State, such an approach is abhorrent. So long as the private respondents are continued as part-time Attenders/Helpers, irrespective of their nature of appointment, they are still expected to be paid the statutory minimum wages, lest, the State and its functionaries are exposed to penal consequences for violation of the mandatory provisions of Minimum Wages Act, 1948 with impunity.

In the afore-mentioned facts and circumstances of the case, the Writ Petition is wholly misconceived and the same is accordingly dismissed. For driving the private respondents to the needless litigation, the petitioners are saddled with costs of Rs.2,000/- (Rupees Two thousand only) payable to each of the private respondents.

As a sequel to dismissal of the Writ Petition, WPMP.No.23858 of 2016 filed by the petitioners for interim relief is dismissed as infructuous.

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*JUSTICE C.V.NAGARJUNA  
REDDY*

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*JUSTICE G.SHYAM PRASAD*

*08<sup>th</sup> July 2016  
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