

**THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
THE HON'BLE SRI JUSTICE M.S.K.JAISWAL**

WRIT PETITION No.32670 of 2013

Date: 10.03.2016

Between:

The State of A.P., rep. by its Secretary, MA and UD
Department, Secretariat Buildings, Hyderabad
and others.

.. Petitioner.

And

K. Devaiah and others

.. Respondents.

Counsel for the petitioners: Mr. A. Sanjeev Kumar,
Special Government Pleader

Counsel for respondent Nos. 1 to 40: Mr. P.Raghavender Reddy.

The Court made the following:

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

This writ petition is filed for the following substantive relief:

“For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue an appropriate Writ, Order or direction preferably a Writ in the nature of Certiorari calling for the records relating to and in connection with O.A.No.1891 of 2012, dt. 13.4.2013 on the file of Hon'ble Administrative Tribunal, Hyderabad and quash the same holding it as unsustainable and pass such other order or orders as deem fit and proper in the circumstances of the case.”

At the hearing, Mr. A.Sanjeev Kumar, learned Special Government Pleader, has placed before us common order, dated 28.08.2014, in W.P.No.30530 of 2012 & batch, whereunder the said Writ Petitions were disposed of with the following observations and directions:

“Following the judgment in **UMADEVI**'s case (1 supra), the respondents in all the Writ Petitions are entitled to the wages equal to the salary at the Lowest Grade of the employees of their cadre in their respective departments from the date of judgment of the Tribunal. However, it is made clear that all the respondents are only daily-wage earners, there would be no question of other allowances being paid. Therefore, the impugned order to the extent of directing the Government to pay Minimum Time Scale of Pay together with Dearness Allowance and also back wages for three years prior to filing of aforesaid Original Applications is set aside and modified as indicated above.”

The learned Special Government Pleader has further submitted that the relief claimed in the present Writ Petition is identical to that claimed in the afore-mentioned batch of cases disposed of by a Division Bench by the common order referred to above.

Mr. P.Raghavender Reddy, learned counsel for the respondents,

while not disputing the said submission of the learned Special Government Pleader, however, stated that Review Petitions have been filed against the said order of the Division Bench.

In our opinion, mere pendency of the Review Petitions cannot be a ground to not dispose of this writ petition following the above-mentioned order as, the contentions raised in this writ petition are admittedly identical to that raised in those Writ Petitions, which were disposed of by the Division Bench.

This Writ Petition is, accordingly, disposed of in terms of the common order, dated 28.08.2014, in W.P.No.30530 of 2012 & batch, however, with the observation that this order shall be subject to the result of the pending Review Petitions and the order that may be passed therein will apply to the present case as well, without the need for the respondents to file a separate Review Petition.

As a sequel to disposal of the writ petition, interim order dated 04.11.2013 in WPMP.No.40627 of 2013 is vacated and WPMP.No.40627 of 2013 is disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

M.S.K.JAISWAL, J

10.03.2016

v v