

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

WRIT PETITION No.11052 of 2016

Date:07.4.2016

Between:

The Zilla Praja Parishad,
reptd by its Chief Executive Officer,
Nalgonda.

....Petitioner

And:

Itharaju Narasimha,
S/o Bikshapathi and 17 others.

.....Respondents

Counsel for the petitioner: Mr. G.Narender Reddy

Counsel Respondent Nos.12 to 17: GP for Services (TS)

The Court made the following:

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

This Writ Petition is filed for a *Certiorari* to quash order, dated 04.11.2015, in Original Application No.4802 of 2015 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad (for short 'the Tribunal').

We have heard Mr. G.Narender Reddy, learned Standing Counsel for the petitioner, and perused the record.

Respondent Nos.1 to 11, who are working as Cooks/Scavengers/Attenders, filed the above-mentioned O.A. claiming payment of minimum wages under the Andhra Pradesh Minimum Wages Act, 1948 and the Andhra Pradesh Minimum Wages Rules, 1960. By the impugned order, the Tribunal has disposed of the said

O.A. by observing that it was conceded by the learned Government Pleader that the said O.A. was covered by order, dated 11.02.2010, in O.A.No.1438 of 2006, which, in turn, was disposed of in terms of the directions issued by it in O.A.No.11076 of 2002.

At the hearing, Mr. G.Narender Reddy, learned Standing Counsel for the petitioner, submitted that the facts in O.A.No.4802 of 2015 do not bear similarity with that in O.A.Nos.1438 of 2006 and 11076 of 2002 and that, therefore, the Tribunal has erroneously disposed of O.A.No.4802 of 2015 based on the orders passed in the said two O.As. He has further submitted that as O.A.No.4802 of 2015 was disposed of at the admission stage, there was no opportunity for the petitioner to file a counter-affidavit.

A perusal of the impugned order shows that the learned Government Pleader has conceded that O.A.No.4802 of 2015 is covered by the orders in O.A.Nos.1438 of 2006 and 11076 of 2002. An order based on concession, therefore, cannot be allowed to be questioned. However, if the concession was wrongly made either due to inadvertence or by mistake of fact, the party shall always be entitled to seek review of such order.

In this view of the matter, the petitioner is permitted to file a Review Petition before the Tribunal within one month from today. If such a Review Petition is filed, the Tribunal shall entertain the same without raising an objection to the limitation and dispose of the same on merits after notice to respondent Nos.1 to 11.

The Writ Petition is, accordingly, disposed of.

As a sequel to disposal of the Writ Petition, WPMP.No.13933 of 2016 is disposed of as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

JUSTICE M.S.K.JAISWAL

07th April, 2016
DR