

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

AND

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

WRIT PETITION No.15416 of 2016

29.04.2016

Between:

The Zilla Praja Parishad,
represented by the Chief Executive Officer, Karimnagar
..Petitioner

And

B.Yellaiah and others
..Respondents

Counsel for the petitioner: Mr.G.Narender Reddy,
standing counsel for Zilla Praja Parishads

Counsel for respondent Nos.17 to 23: Government Pleader for
Services (TS)

Counsel for respondent Nos.1 to 16 --

The Court made the following:

-

-

-

-

-

-

-

-

-

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

This Writ Petition is filed for a *certiorari* to quash the order, dated 16.09.2015, in O.A.No.5274 of 2015 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad (for short 'the Tribunal') – respondent No.23.

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

Respondent Nos.1 to 16, who are working as Sweepers, filed the aforementioned 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 the order, dated 11.02.2010, in O.A.No.1438 of 2006, which, in turn, was disposed of in terms of the order, dated 11.12.2002, in O.A.No.11076 of 2002.

At the hearing, Mr.G.Narender Reddy, learned standing counsel for the petitioner, has submitted that the facts in O.A.No.5274 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.5274 of 2015 based on the orders passed in the said two O.As. He has further submitted that as O.A.No.5274 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 conceded before the Tribunal that O.A.No.5274 of 2015 was covered by the orders, dated 11.12.2002, in O.A.No.11076 of 2002 and dated 11.02.2010, in O.A.No.1438 of 2006.

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 the order.

In the above view of the matter, the petitioner is permitted to file a review petition before the Tribunal within a period of 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 the applicants/respondent Nos.1 to 16.

The Writ Petition is, accordingly, disposed of.

As a sequel to disposal of the Writ Petition, W.P.M.P.No.19103 of 2016 filed by the petitioner for interim relief shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

M.S.K.JAISWAL, J

29th April, 2016
GHN

