

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

THURSDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND SIXTEEN
(21.04.2016)

PRESENT
THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
&
THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

WRIT PETITION No.13512 of 2016

Between:

The Zilla Praja Prishad,
Rep.by its Chief Executive Officer,
Warangal

..... PETITIONER

AND

Mahammed Sahab and 17 others

.....RESPONDENTS

Counsel for the Petitioner : **Sri G.NARENDER REDDY**

Counsel for Respondents Nos.12 to 17 : **G.P.FOR EDUCATION (TG)**

The Court made the following:

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

WRIT PETITION No.13512 of 2016

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

This Writ Petition is filed for a *Certiorari* to quash order, dated 16.09.2015, in O.A.No.5262 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 part-time workers, 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 counsel for the applicants that the said O.A. was covered by order, dated 11.12.2002, in O.A.No.11076 of 2002, which was confirmed by order, dated 13.11.2009, in Writ Petition No.1045 of 2007.

At the hearing, Mr. G.Narender Reddy, learned Standing Counsel for the petitioner, submitted that the facts in O.A.No.5262 of 2015 do not bear similarity with that in O.A.No.11076 of 2002 and that, therefore, the Tribunal has erroneously disposed of O.A.No.5262 of 2015 based on the orders passed in the said O.A. He has further submitted that as O.A.No.5262 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 counsel for the petitioners has conceded that O.A.No.5262 of 2015 is covered by the order, dated 11.12.2002, in O.A.No.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 the 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.12 to 17.

The Writ Petition is, accordingly, disposed of.

As a sequel to disposal of the Writ Petition, WPMP.No.16892 of 2016 is disposed of as infructuous.

C.V.NAGARJUNA REDDY,J

M.S.K.JAISWAL,J

Date: 21.04.2016

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