

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

and

The Hon'ble Sri Justice G.Shyam Prasad

Writ Petition No.25504 of 2017

Date: 07.08.2017

Between:

The State of Telangana, repled by its
Principal Secretary, Education
Department, Hyderabad and four others.

... Petitioners

and

N.Anjaneyulu,
S/o Mallaiah and 11 others.

... Respondents

Counsel for the Petitioner :

The Court made the following:



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

The respondents have filed OA.No.5987 of 2015 before the Andhra Pradesh Administrative Tribunal, Hyderabad (for short 'the Tribunal'), seeking a direction to the petitioners to pay the minimum wages to them as per the rates fixed by the District Collectors concerned from time to time under the provisions of the Minimum Wages Act, 1948 and the Andhra Pradesh Minimum Wages Rules, 1960.

The respondents pleaded that though they have been termed as part-time workers, they are engaged on full-time basis on a consolidated pay of Rs.50/- per day. They have placed reliance on the previous orders of the Tribunal, this Court as well as the Supreme Court in support of the relief claimed by them. The Tribunal, at the admission stage, allowed the said O.A. purporting to follow its earlier order, dated 11-12-2002 in OA.No.11076 of 2002, as confirmed by this Court in WP.No.1045 of 2007.

The main grievance of the petitioners, as projected at the time of the hearing through the Special Government Pleader, is that the Tribunal has disposed of the said O.A. without calling for counter-affidavit by the petitioners. The learned Special Government Pleader has drawn the distinction between the

facts in O.A.No.11076 of 2002 and the present case. He has submitted that in O.A.No.11076 of 2002, there was no dispute about the status of the applicants therein as full-time daily wage workers, whereas in the present case, the respondents are only part-time daily wage workers and the wages are being paid according to their status as such.

Mr. Ch.Ganesh, the learned Counsel for the respondents, strenuously submitted that though the petitioners have not filed counter-affidavit, the learned Government Pleader has argued the case before the Tribunal. He further submitted that the respondents are being treated as part-time labourers though they are working for 6 hours a day and in support of this submission, he has placed reliance on letter, dated 03-10-2007, of petitioner No.3 addressed to the Principal Secretary to Government, School Education (SSA) Department, Government of A.P.

The question whether the respondents have been working as full-time daily wage labourers or as part-time labourers is a question of fact which, unless conceded by the other side, needs to be adjudicated based on the pleadings and the material on record. It is not in dispute that the O.A. was disposed of by the Tribunal at the admission stage. It would

quite well be that at that stage, the learned Government Pleader may not have had instructions about the status of the respondents. Now that a serious dispute has arisen in the above regard, the only appropriate course which needs to be followed is to remand the matter for adjudication on this aspect with reference to the pleadings of both the parties and the material to be brought on record by them.

In this view of the matter, Order, dated 06.11.2015, in OA.No.5987 of 2015 is set aside and the said O.A. is restored to file. Since the Tribunal has been abolished in respect of the State of Telangana, the Registry shall do the needful for transfer of the said O.A. to this Court treating the same as a pending case.

The Writ Petition is, accordingly, allowed, subject to the observations made and directions issued hereinbefore.

As a sequel to disposal of the Writ Petition, WPMP.No.31633 2017, filed by the petitioners for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

(G.Shyam Prasad, J)

Dt: 07th August, 2017
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