

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

AND

THE HON'BLE SMT. JUSTICE K.VIJAYA LAKSHMI

WRIT PETITION No. 32262 OF 2017

DATED 21ST SEPTEMBER, 2017

Between:

The Chief Executive Officer,
Zilla Praja Parishad, Medak

... Petitioner

AND

M.Bheergonda and others

... Respondent

Counsel for the petitioner

:

Sri G.Narender Reddy

Counsel for respondent No. 1

:

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Counsel for respondent Nos. 2 to 5

:

G.P. for Services (T.S.)



THE COURT MADE THE FOLLOWING

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

This Writ Petition is filed for *certiorari* to quash order dated 21-04-2014 in O.A.No. 2740 of 2014 on the file of the Andhra Pradesh Administrative Tribunal at Hyderabad (for short, 'the Tribunal').

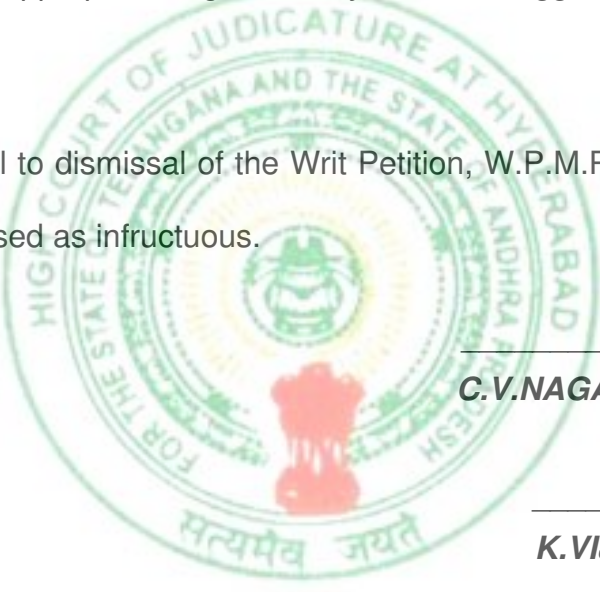
2. A perusal of the impugned order shows that the O.A. filed by respondent No. 1 for payment of minimum wages was allowed by the Tribunal in terms of order dated 11-02-2010 in O.A.No. 1438 of 2006 and batch. This Writ Petition is filed nearly 3 ½ years after the passing of the impugned order. The only justification offered for the belated filing of the Writ Petition is that primary schools were under the control of Mandal Educational Officer till proceedings dated 03-06-2017 were issued by the Director of School Education to the effect that payments have to be made through Zilla Praja Parishads and that due to the frequent transfers of the Zilla Parishad C.E.Os., the petitioner could not approach this Court earlier. In our opinion, the explanation offered by the petitioner for the inordinate delay in his approaching this Court is wholly unacceptable. A perusal of the cause title in O.A.No. 2740 of 2014 shows that Education Department was not a party at all. The relief having been granted against the petitioner and other functionaries of the local body under whose administrative control the school is being run, the petitioner ought not to have shirked its responsibility of questioning the order of the Tribunal.

3. As regards the merits of the case, the petitioner pleaded that respondent No. 1 has been working only as a part-time sweeper since 1991 and that therefore he is not entitled to payment of minimum wages payable to a fulltime sweeper. A perusal of the records shows that the petitioner did not appear to have even filed a counter affidavit. The issue raised by the petitioner in the

aforementioned pleadings of the O.A. being one which falls in the realm of an issue of fact cannot be permitted to be raised for the first time before this Court in a Writ Petition filed challenging the order of the Tribunal. If the petitioner was dissatisfied with the order of the Tribunal, he ought to have filed a review before it. Instead, he has approached this Court far belatedly in order to question the order of the Tribunal. Hence, we are not inclined to entertain this Writ Petition for adjudication on merits.

4. The Writ Petition is accordingly dismissed, however, with liberty to the petitioner to avail appropriate legal remedy if it feels aggrieved by the order of the Tribunal.

5. As a sequel to dismissal of the Writ Petition, W.P.M.P.No. 40144 of 2017 shall stand dismissed as infructuous.



C.V.NAGARJUNA REDDY, J.

K.VIJAYA LAKSHMI, J.

Date: 21-09-2017.

JSK