

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY
AND
THE HON'BLE SMT. KONGARA VIJAYA LAKSHMI

Writ Petition No.25122 of 2017

DATED:16-10-2017

Between:

Syed Saleem Pasha
and others

... Petitioners

And

The State of Andhra Pradesh
Rep. by its Secretary
M.A. and U.D. Department
Secretariat, Velagapudi
Amaravathi, Guntur District
and others

... Respondents

COUNSEL FOR THE PETITIONER: Smt. B. Geeta

COUNSEL FOR RESPONDENT NOS.1 to 3: G.P. for
Services (AP)

COUNSEL FOR RESPONDENT NO.4: Sri Nimmagadda
Venkateswarlu

THE COURT MADE THE FOLLOWING:

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

Order dt.06.03.2017 in O.A. No.9209 of 2013 on the file of the Andhra Pradesh Administrative Tribunal (for short, "the Tribunal") is assailed in this writ petition.

The petitioners, who claimed to be working as Nominal Muster Roll (NMR) workers from the year 1991 in Tiruvur Nagar Panchayat of Krishna District, filed the abovementioned O.A. for extending the minimum time scale of pay in the last grade service. In the counter affidavit filed by the respondents they have denied the master and servant relationship and submitted that the services of the petitioners have been lent by the contractors and that therefore they are not entitled to the relief claimed by them. In support of the plea that they have been working as NMRs/daily wage workers the petitioners have filed a photo copy of a purported statement of the Commissioner of Nagar Panchayat, Tiruvur. The Tribunal has held that the petitioners failed to establish the authenticity of the said statement and dismissed the O.A.

When a serious dispute on the status of the petitioners has been raised by the respondents, it is not possible for this Court to adjudicate the same, as such disputed question needs to be decided based on oral and documentary evidence to be

produced by both the parties. In this view of the matter, while declining to interfere with the order of the Tribunal, the petitioners are, however, permitted to approach the Labour Court for claiming the relief sought in these proceedings.

The writ petition is accordingly dismissed with the liberty to the petitioners as given above.

As a sequel to dismissal of the writ petition, W.P.M.P. No.31149 of 2017 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

KONGARA VIJAYA LAKSHMI, J

16-10-2017

bnr

