

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE MS JUSTICE J.UMA DEVI

WRIT APPEAL NO.1253 OF 2017

JUDGMENT: {Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan}

This appeal, under Clause 15 of the Letters Patent, is preferred against the order passed by the learned Single Judge in WP.MP.No.4649 of 2017 in WP.No.3892 of 2017 dated 12.07.2017.

The learned Single Judge has, in the order under appeal, expressed his *prima facie* view that the appellants-respondents were not justified in denying the respondent-writ petitioners the minimum pay in the time scale of pay extended to regular employees who were discharging similar duties in the said Corporation. The learned Single Judge relied on the judgment of the Supreme Court in **State of Punjab v. Jagjit Singh and others** (Civil Appeal No.213 of 2013 dated 26.10.2016) in this regard and granted interim directions as prayed for.

Learned Special Government Pleader, appearing on behalf of the learned Advocate General, would draw our attention to the interim relief sought for in the Writ Petition which is to consider the cases of the respondent-writ petitioners for regularisation of their services, and to further extend the benefit of the minimum pay in the regular time scale of pay attached to the regular posts in the light of the judgment of the Supreme Court in **Jagjit Singh**. Learned Special Government Pleader would submit, not without justification, that, since the order of the Supreme Court in **Jagjit Singh** was relied upon by the respondent-writ petitioners only to be extended the benefit of the minimum scale of pay, grant of

interim relief as prayed for would require the appellants to consider the cases of the respondent-writ petitioners for regularisation of their services.

It is wholly unnecessary for us to dwell on this aspect any further as Sri D.Linga Rao, learned counsel for the respondents-writ petitioners, would fairly state that the learned Single Judge had merely granted the respondent-writ petitioners the benefit of payment of the minimum scale of pay, and not regularisation of their services; and grant of relief, of regularisation of services, is a matter to be considered when the Writ Petition is finally heard.

Suffice it, therefore, to dispose of this Writ Appeal clarifying that, in terms of the order of the learned Single Judge under appeal before us, the appellant is required only to pay the minimum time scale of pay to the respondent-writ petitioners, and not to consider their cases for regularisation of their services. The question of the petitioners' entitlement, to have their services regularised, shall be examined when the Writ Petition is finally heard.

The Writ Appeal stands disposed of accordingly. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

(RAMESH RANGANATHAN, ACJ)

(J.UMA DEVI, J)

31st August 2017
RRB