

**HON'BLE SRI JUSTICE A.RAJASHEKER REDDY**

**WRIT PETITION No. 24194 OF 2017**

**ORDER:**

This writ petition is filed seeking writ of mandamus directing the 2<sup>nd</sup> respondent to take necessary action on the recommendations of the then Regional Inspection Officer, Telangana State Board of Intermediate Education, Sangareddy, Medak District vide proceedings Rc.No.43/RIO/TSBIE/SRD/2004, dated 01.09.2016 and consequently to direct the respondents 2 and 3 to pay the remaining enhanced wages due from the month of August, 2016 to December, 2016 as well as due from February, 2017.

2. It is the case of the petitioner that the petitioner joined as a Computer Operator on 08.08.2006 in the office of the then Regional Inspection Officer, Medak District Sangareddy on daily wages basis, an amount of Rs.1,500/- per month and subsequently, his salaries were enhanced from time to time by the 2<sup>nd</sup> respondent. That the 2<sup>nd</sup> respondent issued proceedings Rc.No.250/K1/2006, dated 03.02.2010 by addressing to all the Regional Inspection Officers in the then State of Andhra Pradesh, directing to implement the minimum wages to the daily wage workers as fixed by the District Collectors concerned and enhanced 50% of minimum wages to the individuals who have

completed 10 years of service as on 01.04.2009 with monetary benefits with effect from 01.04.2009. Vide proceedings Rc.No.374/K1/2006, dated 26.05.2012, the 2<sup>nd</sup> respondent stated that the daily wage employees who have been working for 10 years and above in the Board of Intermediate Education as on 29.12.2012, sanction an amount of Rs.1500/- lump sum per month to the existing wages to the Daily Wage employees. The petitioner received an amount of Rs.12,213/- per month from March, 2016 to December, 2016, thereafter, the 3<sup>rd</sup> respondent paid monthly lump sum wages an amount of Rs.17,500/- per month in the month of January, 2017, based on the proceedings dated 03.02.2010 and 26.05.2012 of the 2<sup>nd</sup> respondent as well as the proceedings of the District Collector, Sangareddy District vide proceedings No.C/1585/2016, dated 05.11.2016, but the respondents 2 and 3 did not pay the enhanced salary of Rs.17,500/- per month from the eligibility period of August, 2016 till date, except in the month of January, 2017. That the then Inspection Officer of the 2<sup>nd</sup> respondent Board, in his proceedings Rc.No.43/RIO/TSBIE/SRD/2004, dated 01.09.2016 recommended the claim of the petitioner to the 2<sup>nd</sup> respondent with a request to permit to enhance 50% of the wages to the petitioner, but the 2<sup>nd</sup> respondent did not take any action to implement his own proceedings dated

03.02.2010 and 26.05.2012 and also the proceedings of the District Collector dated 05.11.2016 for payment of minimum wages to the petitioner. Aggrieved by the same, present writ petition is filed.

3. Counter affidavit is filed by the respondents 1 & 2 denying the averments in the affidavit filed in support of this petition stating that the 2<sup>nd</sup> respondent in its 64<sup>th</sup> Board meeting held on 26.05.2008 has resolved to enhance the wages to casual labourers and the resolution of the Board of which was mentioned at item No.28, shows that the enhancement of wages in the said resolution is applicable to individuals who have completed 5/10 years and the rate of enhancement for individuals working for 5-10 years is @ 130+25% of minimum wage and those who have completed 10 years is @ 130+50% of minimum wage and that the increase of 25% and 50% on minimum wages prescribed by the District Collector from time to time on completion of 5/10 years will be effected from 1<sup>st</sup> April of the financial year after he/she completes 5/10 years. It is stated that the Board in its resolution dated 26.02.2012 has resolved that the daily wage employees are entitled to Rs.1500 lump sum for month only to those who have been working for 10 years and above in the BIE as on 29.02.2012, but the petitioner is not eligible for the same as he has not completed 10 years as on 29.02.2012.

4. Reply affidavit is filed by the petitioner denying the averments in the counter affidavit stating that the respondent failed to appreciate the proceedings Rc.No.37/K1/2006, dated 26.05.2012. It is stated that the respondents on one hand admitted in their counter affidavit that the enhancement of minimum wages of 50% is applicable to the petitioner, but on the other hand, denied the proceedings Rc.No.374/K1/20906, dated 26.05.2012 of the 2<sup>nd</sup> respondent for payment of Rs.1,500/- lump sum per month to the petitioner, even though the petitioner has completed 10 years.

5. Heard learned counsel for the petitioner and Sri D.L.Pandu, learned Standing Counsel for the respondents 1 & 2.

6. It is to be seen that respondents 1 & 2 averred in the counter affidavit that the petitioner is entitled for enhancement of 50% only from 01.04.2017 since the petitioner has completed 10 years as on 08.08.2016. Learned counsel for the petitioner submits that the respondents have granted relief to the extent of enhancement of 50%, but they are not justified in not granting Rs.1,500/- lump sum per month in terms of resolution dated 26.02.2012. The said resolution also states that the daily wage employees are entitled to Rs.1,500/- lump sum per month those who have been working for 10



years and above in the BIE as on 29.02.2012. There cannot be two different interpretations i.e., one in respect of enhancement of 50% of wages and another in respect of granting of Rs.1500/- lump sum per month.

7. On the other hand, learned Standing Counsel for the respondents 1 & 2 submits that since in the proceedings Rc.No.250/K1/2006, dated 03.02.2010 there is further clause with regard to increase of minimum wages, which reads as follows:

“The increase of 25% and 50% on minimum wages prescribed by the District Collector from time to time on completion of 5/10 years will be effected from the 1<sup>st</sup> April of the financial year after he/she completes 5/10 years with the administrative approval of the Secretary, BIE.”

The interpretation placed by the Board of Intermediate Education is in consonance with the proceedings dated 03.02.2010 and the proceedings dated 26.05.2012 clearly goes to show that sanction of Rs.1,500/- lump sum per month to the existing wages to those daily wage workers/employees who have been working for 10 years and above in BIE as on 29.02.2012, as such, the petitioner is not entitled for Rs.1,500/- per month in addition to the existing wages.

In view of the same, the respondents are directed to pay the enhanced wages from 01.04.2017 to the petitioner as per proceedings in Rc.No.250/K1/2006, dated 03.02.2010.

Accordingly, the writ petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand disposed of.

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**A.RAJASHEKER REDDY,J**

04-10-2017  
kvs



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