

*THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE N.BALAYOGI*

WRIT PETITION No.22366 of 2010

ORDER: (per SK,J)

The Chief Executive Officer, Zilla Praja Parishad, Medak District, filed this writ petition aggrieved by the order dated 26.06.2009 passed by the Andhra Pradesh Administrative Tribunal, Hyderabad, in O.A.No.3662 of 2008. The said O.A. was filed by the first respondent herein assailing the proceedings dated 10.04.2008 passed by the Chief Executive Officer, Zilla Praja Parishad, Medak District, rejecting his claim for release of annual grade increments on the ground that he was being continued on the directions of the Tribunal in an earlier O.A. He sought a consequential direction to the authorities to regularize his service and revise his pay by adding annual grade increments from the date of his initial appointment. By the order under challenge, the Tribunal allowed the O.A. and directed the authorities to revise the pay of the applicant and add annual grade increments as per rules from the date due to him and pay arrears with all consequential benefits within a time frame.

At the time of admission of the writ petition on 07.09.2010, this Court granted interim suspension of the order passed by the Tribunal.

W.V.M.P.No.3951 of 2015 was filed by the first respondent to vacate the aforestated order.

Heard Sri Ramchander Reddy, learned counsel representing Sri G.Narender Reddy, learned Standing Counsel for the petitioner, and Sri P.Venkatesh, learned counsel for the first respondent.

Perusal of the record reflects that the first respondent was initially appointed on daily wage basis in the service of Mandal Praja Parishad,

Kondapur, Medak District, on 01.04.1987. He was thereafter regularized in service on timescale under proceedings dated 19.06.1989 of the President, Mandal Praja Parishad, Kondapur, Medak District. While so, it appears that he was reverted to the status of a daily wage worker under proceedings dated 10.04.1990 on the ground that the President, Mandal Praja Parishad, Kondapur, Medak District, was not competent to regularize his services. Aggrieved thereby, he filed O.A.No.31965 of 1990 before the Tribunal. Interim orders dated 24.09.1990 were granted in the said O.A. suspending the reversion orders and directing the authorities to continue the first respondent in regular service. The said O.A. was disposed of by the Tribunal on 25.03.1998 taking note of the fact that no counter-affidavit had been filed till that date and recording that as the interim orders had been complied with no further orders were necessary in the case. Significantly, the authorities did not even choose to challenge this order. They however admit that the first respondent was continuing in service and was also paid the timescale. They however did not extend to him the benefit of annual grade increments. Aggrieved thereby, he made a representation which evoked the response of the Chief Executive Officer, Zilla Praja Parishad, Medak District, under proceedings dated 10.04.2008 rejecting his claim. Aggrieved thereby, he approached the Tribunal. The Tribunal took note of the fact that the earlier order passed by it in O.A.No.31965 of 1990 had attained finality and in the light thereof it was no longer open to the authorities to seek to revert the first respondent to the status of a daily wage worker. The O.A. was accordingly allowed granting relief to the first respondent.

Though Sri Ramchander Reddy, learned counsel, would contend that the initial regularization in service of the first respondent was not in

accordance with norms, we are of the opinion that much water has flown under the bridge and it is no longer open to the authorities to lay such a challenge. When the authorities reverted the first respondent holding to this effect and he approached the Tribunal by way of O.A.No.31965 of 1990, the authorities did not even care to file their counter-affidavit before the Tribunal and allowed a final order to be passed in terms of the interim order which they duly implemented. Even after the disposal of the O.A., they did not choose to challenge the order passed therein. Having allowed the issue to attain finality, it is not open to them to now seek to freeze the first respondent on the same timescale at which he had been reinstated in pursuance of the interim order passed in O.A.No.31965 of 1990. As he stood regularized under the proceedings dated 19.06.1989, he would have to be treated as a regular employee for all purposes including fixation of pay extending to him annual grade increments. The order passed by the Tribunal to this effect therefore does not warrant interference on any ground.

The writ petition is devoid of merit and is accordingly dismissed.

Interim order dated 07.09.2010 shall stand vacated. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

JUSTICE SANJAY KUMAR

JUSTICE N.BALAYOGI

Date: 01.03.2017

PGS