

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION Nos.21844, 22138 and 22149 of 2009

COMMON ORDER:

Heard Sri G.Ravi Mohan for petitioners, the Assistant Government Pleader (Endowments) for respondents 1 and 2 and Sri A.Sikanth Reddy, Standing Counsel for the 3rd respondent.

The petitioners in these three writ petitions are working as Technical, Non-Technical and Class-IV attenders respectively on NMR basis in Sisailam Devasthanam/3rd respondent. The petitioners pray for Mandamus declaring the action of respondents in not regularizing the services of petitioners and not fixing pay of petitioners, as illegal, arbitrary and unconstitutional.

The petitioners also pray for a direction to consider their cases for regularization in available vacancies as per seniority determined by the 3rd respondent from time to time.

Sri G.Ravi Mohan, having regard to the binding precedents on the right of an NMR for regularization, does not press the prayer for regularisation of petitioners. However, the counsel has restricted his submission to the second limb of prayer, *namely*, not fixing pay of petitioners in the minimum time scale of pay, in which they are working, as illegal, arbitrary and unconstitutional. He relies on STATE OF PUNJAB AND OTHERS Vs. JAGJITSINGH AND

OTHERS¹ for the proposition that the petitioners are entitled to minimum of time scale of the post in which they are working.

Si A.Sikanth Reddy, basing on written instructions received from time to time from 3rd respondent, submits that the grievance of petitioners vis-à-vis non-fixation of time scale does not subsist as on date, for most of the petitioners depending upon the post in which are working, the place where they are working and the purpose for which their services are utilized, the 3rd respondent is paying remuneration, which for all purposes, is over and above the minimum time scale which the petitioners are entitled to. Hence, contends that there is no infirmity.

Si Ravi Mohan submits that this payment of minimum time scale cannot be matter of general statement and if one is receiving minimum time scale, he may not be entitled to and the actual payment of minimum time scale has to be examined on case to case basis and a decision is taken by the 3rd respondent.

Having regard to this limited submission, with the consent of learned counsel, the writ petitions are disposed of.

The petitioners, who are working as Technical, Non-Technical and Class-IV attenders respectively on NMR basis, are given liberty to represent to 3rd respondent for fixation of minimum time scale and also furnish details of

¹ (2017) 1 SCC 148

remuneration, they are drawing as on date; the 3rd respondent considers the representation and if the petitioners are not paid minimum time scale, their cases are considered and appropriate orders passed.

Miscellaneous petitions, if any, pending, shall stand closed.

No order as to costs.

S. V. BHATT, J

Date:11-08-2017
Prv



THE HON'BLE SRI JUSTICE S.V.BHATT



WRIT PETITION Nos.21844, 22138 and 22149 of 2009

11-08-2017

Prv

