

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

WRIT PETITION No.33224 of 2017

Date:05.10.2017

Between:

The State of A.P., repto by its Principal
Secretary, Finance (Treasuries) Department,
Velagapudi and three others.

..... Petitioners

And:

P.Gangaraju,

.....Respondents

Counsel for the petitioners: GP for Services (AP)

Counsel for the respondent: Mr. Venkateswarlu Gummadavelly

The Court made the following:

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

Feeling aggrieved by common order, dated 07.3.2017, to the extent it pertains to Original Application No.6690 of 2015 on the file of the Andhra Pradesh Administrative Tribunal at Hyderabad (for short 'the Tribunal'), the respondents therein filed this Writ Petition.

We have heard the learned Government Pleader for Services (Andhra Pradesh) appearing for the petitioners and Mr. Venkateswarlu Gummadavelly, learned counsel for the respondent.

The respondent filed the afore-mentioned O.A. for a direction to the petitioners to regularise his services as Water Boy-cum-Attender with effect from the date of completion of ten years of his service along with arrears of pay by counting his NMR period of service for calculating the pensionary benefits. The petitioners have not filed any counter-affidavit before the Tribunal. Based on the oral submissions of the learned Government Pleader, the Tribunal declined the relief of regularisation of services of the respondent on the ground that he has not satisfied the conditions stipulated in G.O.Ms.No.212, Finance & Planning (FW.PC.III) Department, dated 22.4.1994. However, the Tribunal has directed the petitioners to fix the minimum pay scale to the respondent in the post of Sweeper.

Learned Government Pleader for Services (Andhra Pradesh) appearing for the petitioners has submitted that it is the pleaded case of the respondent himself that he was appointed as Part-time Sweeper with effect from 01.9.1991 on a contingent basis in the office of petitioner No.4 and he has completed ten years of service as on 01.9.2001. She has further submitted that as regards Part-time workers, separate wages are being fixed by the petitioners from time to time and that, under G.O.Ms.No.370, Finance (PC.III), dated 30.12.2010, Rs.1,298/- per month was fixed as wages for Part-time workers and the same was revised by G.O.Ms.No.193, Finance (HR.III) Department, dated 07.10.2016, to Rs.4,000/- per month. She has further submitted that the Tribunal, however, failed to consider these G.Os and, evidently, proceeded on the premise that the respondent is a Full-time worker but not a Part-time worker.

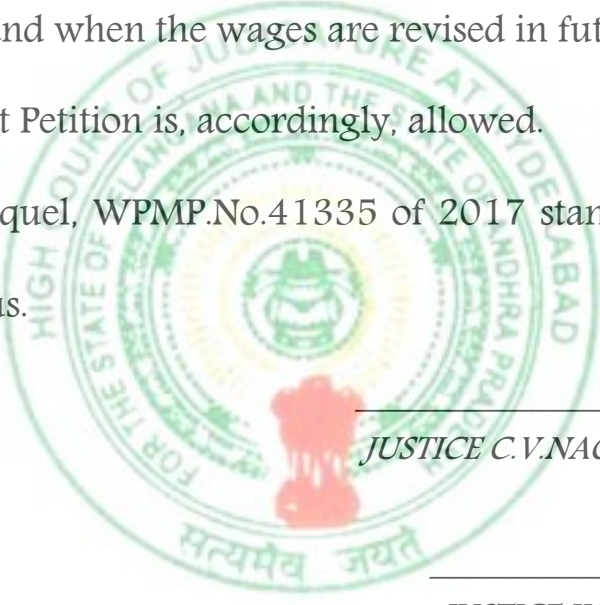
Mr. Venkateswarlu Gummadavelly, learned counsel for the respondent, has not disputed the fact that his client is a Part-time worker and he is governed by the Government Orders being issued from time to time by the petitioners fixing the monthly remuneration for Part-time workers.

As the respondent is not entitled to draw wages in excess of that fixed by the extant Government Orders and

G.O.Ms.No.193, dated 07.10.2016, being the Government Order which is governing his service conditions as regards the payment of minimum wages as on today, the Tribunal has erred in directing the petitioners to fix the minimum time scale to the petitioner in the post of Sweeper. Accordingly, the impugned order of the Tribunal is set aside, however, with the direction that the petitioners must pay the wages to the respondent according to G.O.Ms.No.193, dated 07.10.2016, and also revise the same as and when the wages are revised in future.

The Writ Petition is, accordingly, allowed.

As a sequel, WPMP.No.41335 of 2017 stands disposed of as infructuous.



JUSTICE C.V.NAGARJUNA REDDY

JUSTICE K.VIJAYA LAKSHMI

05th October 2017

DR