

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

WRIT PETITION Nos. 15865 and 15929 of 2016

COMMON ORDER: (per Hon'ble Sri Justice Sanjay Kumar)

The State of Telangana and its officials in the Women Development and Child Welfare Department filed these writ petitions aggrieved by the common order dated 28.08.2013 passed by the Andhra Pradesh Administrative Tribunal, Hyderabad, in O.A.Nos.1680 and 1692 of 2011. Perusal of the said order reflects that the Tribunal allowed the O.As. in terms of its earlier order dated 30.04.2013 passed in O.A.No.5977 of 2010 and batch.

By order dated 21.12.2016 passed in W.P.No.15865 of 2016, this Court granted interim stay of the order dated 28.08.2013 passed by the Tribunal. A similar order was passed in W.P.No.15929 of 2016 on the same day.

Heard the learned Assistant Government Pleader for Services (Telangana) for the petitioners and Sri M. Balagangadharaiah, learned counsel representing Sri B. Balamukunda Rao, learned counsel for the first respondent in each of these writ petitions.

Learned Assistant Government Pleader for Services brought it to our notice that as against the common order dated 30.04.2013 passed in O.A.No.5977 of 2010 and batch, writ petitions were filed before this Court and the same were disposed of modifying the orders passed by the Tribunal.

The common order dated 28.08.2014 passed by a Division Bench of this Court in W.P.No.30530 of 2012 and batch is placed before us. Perusal thereof reflects that these writ petitions arose out of the common order dated 30.04.2013 passed by the Tribunal

in several O.As which formed part of the batch comprising O.A.No.5977 of 2010 also. The Division Bench disposed of the batch of cases holding that daily-wage earners would be entitled to the wages equal to the salary at the lowest grade of employees of their cadre in their respective departments and that they would not be entitled to Minimum Time Scale of Pay together with Dearness Allowance and back wages.

In that view of the matter, as the Tribunal merely followed its earlier order in O.A.No.5977 of 2010 and batch while disposing of the present O.As. and as the earlier order stood modified by this Court as aforesaid, the said modification would be equally applicable to the present cases also.

The writ petitions are accordingly disposed of following the earlier order dated 28.08.2014 in W.P.No.30530 of 2012 and batch and in terms thereof. In consequence, the first respondent in these two cases shall not be entitled to Minimum Time Scale of Pay together with Dearness Allowance and back wages. They would only be entitled to wages equivalent to the salary of the lowest grade employees of their cadre from the date of the Tribunal's order in the O.As.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

N. BALAYOGI, J

Date: 23.03.2017

Note: Issue CC in one week

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