

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

WRIT PETITION No.31986 of 2015

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

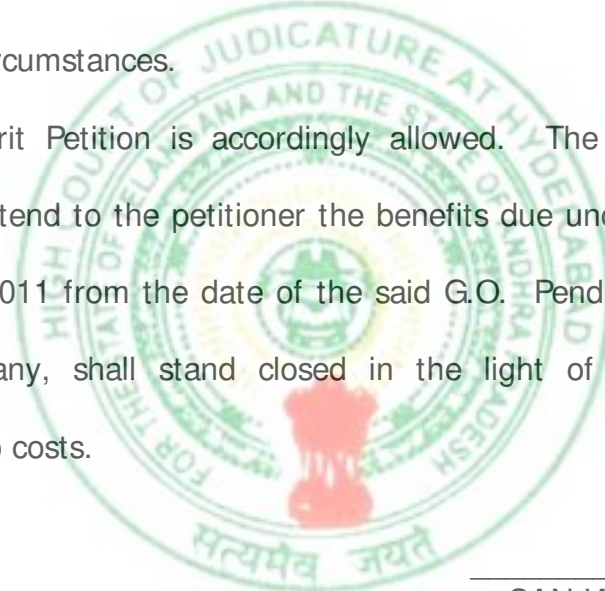
The petitioner is the applicant in O.A.No.1306 of 2014 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad. The said O.A. was filed for a declaration that G.O.Ms.No.9 dated 26.03.2013 rejecting the case of the applicant for regularization of service and payment of minimum time scale was illegal. The interim relief sought by the applicant in the O.A. was for a direction to the respondent authorities to pay minimum time scale along with allowances applicable to the post held by him or at least as per G.O.Ms.No.17 dated 17.02.2011. By the impugned order dated 22.07.2014, the Tribunal rejected the prayer for interim relief on the ground that W.P.No.17073 of 2010 questioning the order of reinstatement of the applicant with backwages passed by the Industrial Tribunal – II, Hyderabad, was pending before this Court.

It is however an admitted fact that in the said writ petition filed against the Award of the Industrial Tribunal – II, Hyderabad, in I.D.No.17 of 2008, this Court merely granted interim stay of payment of backwages, *vide* order dated 19.07.2010, which was thereafter modified on 16.09.2013 directing payment of 50% of the backwages within a time frame. The continuity of service granted to the petitioner by the Industrial Tribunal – II, Hyderabad, while ordering his reinstatement stood undisturbed.

It is also relevant to note that the Government of Andhra Pradesh issued G.O.Ms.No.17, Animal Husbandry, Dairy Development and Fisheries (AH.II) Department, dated 17.02.2011, extending the minimum time scale

(Basic Pay + DA without other benefits) as per RPS 2010 to the Casual Labourers/NMRs working in the Animal Husbandry Department subject to the condition that they were working as such prior to the cut off date 25.11.1993. By virtue of the continuity of service granted to the petitioner/applicant in I.D.No.17 of 2008, his continuous service would date back to 01.09.1987 when he was appointed as a Watchman in the Animal Husbandry Department. That being so, he is fully entitled to the benefit due under G.O.Ms.No.17 dated 17.02.2011. The understanding of the Tribunal that the mere pendency of W.P. No.17073 of 2010 before this Court disentitled him to such relief cannot be countenanced in the aforestated circumstances.

The Writ Petition is accordingly allowed. The respondents are directed to extend to the petitioner the benefits due under G.O.Ms.No.17 dated 17.02.2011 from the date of the said G.O. 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: 23.01.2017
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