

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION (TR) No. 348 of 2017

Date :26.7.2017

Between :

Subba Ramachander S/o Venkataiah
70 years
Retired teacher
R/o H No. 1-97, Rebbena village and mandal
Adilabad district

Petitioner

And

The Government of A P
Rep by its Principal Secretary,
Revenue Department, Secretariat, Hyderabad and others

Respondents

The Court made the following:



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ORAL ORDER:

Petitioner is a retired teacher. He was employed for census 2011 enumeration work. The census enumeration work was taken up from 1.1.2010 and completed by 30.6.2011. Initially when the petitioner was appointed, he was informed that he would be paid Rs.10,000/-per month, whereas, Government has taken a decision to reduce the remuneration payable to Rs.4,000/-. It is not in dispute that the petitioner worked for census enumeration operation till June, 2011 and was paid at the rate of Rs.4000/- per month for the period he worked. In the instant case, writ petitioner claims that he has also worked continuously till 30.4.2012, therefore he is entitled to remuneration till that date. Further claim of the petitioner is that as his initial appointment discloses that he was offered Rs.10,000/- per month, therefore he is entitled for payment of Rs.10,000/- per month continuously from 1.3.2010 till 30.4.2012.

2. In the counter affidavit filed on behalf of the District Revenue Officer (third respondent) who was census incharge, it is averred that though initially government offered Rs.10,000/- but same was reduced to Rs.4000/- and all persons involved in census operations were paid only at Rs.4000/- and petitioner was also paid Rs.4000/- per month only. It is further averred that as the remuneration fixed was only at Rs.4000/- petitioner is not entitled to claim higher amount. It is further averred in the counter that Government had taken up Socio Economic Caste Census, 2011 and for its operations there was no clerical billing assistance needed and no funds were released for the assistant post and therefore question of engaging petitioner and payment thereon did not arise.

3. Except placing reliance on certificate stated to have been issued by the Tahsildar on 10.4.2012 that petitioner has worked from 1.3.2010 to 31.3.2012 under census work, no other material is placed on record to show that

petitioner's services were actually utilized. It is categorical assertion of the respondent that no retired employee was engaged after 30.6.2011 as contended by the petitioner and there was no such requirement of services of retired employees after 30.6.2011 and when assertion of the petitioner was categorically denied, burden is on the petitioner to prove by cogent material that he has actually worked and therefore he is entitled to remuneration. Particularly for the period he worked i.e., till 30.6.2011 remuneration as fixed by the Government was paid and same is not disputed. The certificate stated to have been issued by the Tahsildar is vague and is not supported by any record. If really petitioner has worked for the period claimed by him, there must be some record to show that his services were utilized and he has attended to certain work. It is categorical assertion of the third respondent, in paragraph 3 of the counter, that there was no requirement of billing assistant in Socio Economic Census, 2011. This was also informed to the petitioner by the Public Information Officer. In the absence of cogent material to show that the petitioner has worked and when categorically denied by the respondents, no relief as sought for can be granted.

4. It is also appropriate to note that though remuneration initially fixed was Rs.10,000/- it was reduced to Rs.4000/- and petitioner was conscious of the reduction of remuneration and worked without any protest, therefore, it is not open to the petitioner to now fall back on the initial mention of the amount in the order of appointment to say that he is entitled to Rs.10,000/- instead of Rs.4000/- per month. It is also not disputed that all other persons who were similarly engaged were only paid Rs.4000/-.

5. For the above reasons, I see no merit in the writ petition and accordingly the same is dismissed. No costs. Having regard to the same, miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE: 26.7.2017
TVK

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