

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

WRIT PETITION No. 32806 of 2015

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

The State of Andhra Pradesh and its officials filed this writ petition aggrieved by the order dated 01.05.2015 passed by the Andhra Pradesh Administrative Tribunal, Hyderabad, in O.A.No.2506 of 2015.

The said O.A was filed by respondents 1 to 10 herein seeking implementation of the Government Orders in G.O.Rt.No.841, Education (PE.LIB) Department, dated 28.11.2011 and to increase their pay on par with their colleagues as per the final orders passed by the Tribunal in O.A.No.3693 of 2014. By the order under challenge, the Tribunal accepted that the issue was squarely covered by its earlier decision dated 05.03.2015 in O.A.No.3693 of 2014 and disposed of the O.A directing the respondent authorities to implement G.O.Rt.No.841 dated 28.11.2011 by increasing the pay of respondents 1 to 10 herein to Rs.6,700/-, if they were working and to pass appropriate orders within a time frame.

By order dated 09.10.2015, this Court granted interim suspension of the order passed by the Tribunal which is under challenge being of the opinion that the Tribunal ought not to have passed a cryptic order without reasons on the short ground that the issue raised was already covered by the judgment rendered in the other case.

W.V.M.P.No.4555 of 2016 was filed by respondents 1 to 10 to vacate the aforestated interim order.

Learned Government Pleader for Services (Andhra Pradesh) does not dispute the fact that the earlier order passed by the Tribunal in O.A.No.3693 of 2014 was on the same issue. The said order was confirmed by this Court in W.P.No.19449 of 2016. A copy of the order

dated 08.07.2016 passed in the said writ petition is placed on record and it reflects that this Court dismissed the writ petition with costs.

The prayer in O.A.No.3693 of 2014 filed by the Attenders/Helpers working in various Branch Libraries under the control of Zilla Grandalaya Samsthas in Ranga Reddy and Nalgonda Districts was to extend them the benefits given under G.O.Rt.No.841 dated 28.11.2011 from the date of their initial appointment. By order dated 05.03.2015 passed therein, the Tribunal held that the applicants in the said O.A who were working on part-time basis were being paid consolidated pay which was being increased from time to time and they were therefore entitled to the benefits granted under G.O.Rt.No.841 dated 28.11.2011. This relief was however not granted to four of the applicants on the ground that their appointments had been cancelled.

In W.P.No.19449 of 2016 arising from the order dated 05.03.2015 passed in O.A.No.3693 of 2014, this Court took note of the stand of the State that only those engaged prior to 25.11.1993, being the date on which the Act 2 of 1994 came into force, would be entitled to the benefits under G.O.Rt.No.841 dated 28.11.2011 and those appointed after the said date could not claim such benefit. This Court however rejected this contention of the State observing that if a person is engaged contrary to the statutory provision or executive instructions, he may not be entitled to be continued but when the State chose to continue him, it does not lie in its mouth to say that it can thereafter violate the provisions of the Minimum Wages Act, 1948. This Court observed that in a welfare State, such an approach on the part of the authorities is abhorrent. The writ petition was accordingly dismissed saddling the authorities with costs of Rs.2,000/- to be payable to each of the applicants in the O.A.

Perusal of the order under challenge in the present writ petition reflects that the Tribunal referred to its earlier order in O.A.No.3693 of 2014 and having extracted the operative portion thereof, held that the present O.A was squarely covered thereby.

Though the learned Government Pleader would contend that the Tribunal ought to have recorded further reasons for granting relief, we find no merit in this contention. Once it is accepted that both the O.As were filed by similarly situated persons seeking extension of the benefit under the same G.O, the matters are similar to the point of being identical and it is not necessary for the Tribunal to furnish full reasons in the settled case having already adjudicated the matter in the earlier case.

In that view of the matter, as the order in O.A.No.3693 of 2014 has already been confirmed by this Court in W.P.No.19449 of 2016, we see no reason to disagree with the views taken by the earlier Bench while dismissing the said writ petition.

This writ petition is also dismissed with costs of Rs.20,000/- (Rupees twenty thousand only) payable @ Rs.2,000/- (Rupees two thousand only) by the State to respondents 1 to 10 individually, within a period of two months from the date of receipt of a copy of this order. Interim order dated 09.10.2015 shall stand vacated. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

Date: 02.02.2017

N. BALAYOGI, J

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