

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

W.A.No. 814 OF 2017

DATED 01ST AUGUST, 2017

Between:

The Telangana State Tourism Development Corporation Limited,
3-5-891, Tourism House, Himayatnagar,
Hyderabad, Rep. by its
Vice-Chairman and Managing Director ... Appellant

AND

Ch.Govardhan Reddy and others ... Respondents

Counsel for the appellant : Advocate General (T.S.)

Counsel for respondent Nos. 1 to 5 : Sri G.Vasantha Rayudu

Counsel for respondent No. 6 : G.P. for Tourism (T.S.)

THE COURT MADE THE FOLLOWING

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

Feeling aggrieved by order dated 23-03-2017 in W.P.No. 7863 of 2017, respondent No. 2 therein has filed this Writ Appeal.

2. Respondent Nos. 1 to 5 herein have filed the aforementioned Writ Petition for a *mandamus* to declare the action of the appellant in not implementing the principle of equal pay for equal work on par with the regular employees in terms of order in W.P.No. 18550 of 2014 as confirmed in W.A.No. 736 of 2016. It is a matter of fact that even before a counter affidavit is filed, the learned single judge has allowed the Writ Petition based on order in W.P.No. 18550 of 2014 as confirmed in W.A.No. 736 of 2016. The learned single judge also took note of the fact that a Division Bench of this Court in W.A.No. 736 of 2016 has referred to the judgment in ***State of Punjab and others Vs. Jagjit Singh others***¹ holding that the claim of the petitioners for grant of equal pay for equal work is valid.

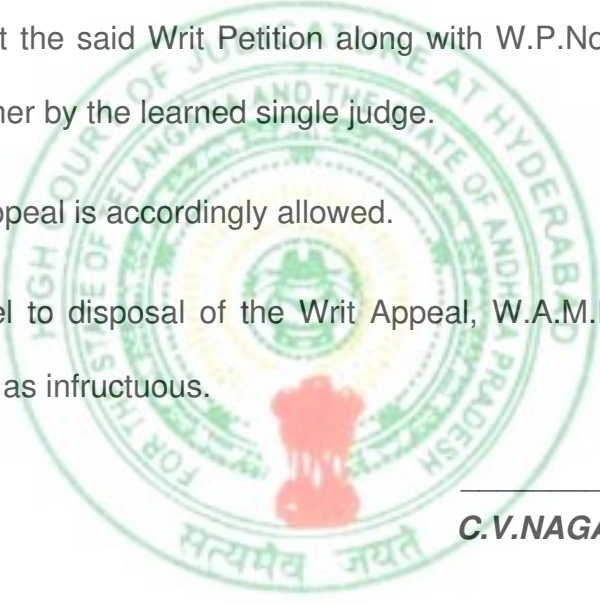
3. Learned counsel appearing for the appellant submitted that respondent Nos. 1 to 5 stand on a completely different footing from the petitioners in W.P.No. 18550 of 2014, in that, latter were initially engaged under a contract and later converted as outsourced employees and that whereas respondent Nos. 1 to 5 in this case are being engaged as outsourced employees right from the beginning and that therefore they cannot be treated on par with the petitioners in W.P.No. 18550 of 2014. Learned counsel for the appellant also placed before us order dated 29-06-2017 in W.A.No. 823 of 2017, a perusal of which shows that a distinction similar to the one which is sought to be brought out by learned counsel for the appellant before us was made before the Division Bench of this Court which decided W.A.No. 823 of 2017 observing that as the facts, which were seriously in dispute between the parties, are not discussed by the learned

¹ Civil Appeal No. 213 of 2013 dated 26-10-2016

single judge, it is appropriate to remit the matter to him for disposal of the Writ Petition afresh and accordingly the order of the learned single judge was set aside and Writ Appeal was disposed of restoring the Writ Petition to file for passing a fresh order in accordance with law. On perusal of this order, Sri G.Vasantha Rayudu, learned counsel for respondent Nos. 1 to 5, did not dispute the fact that the facts in the present case are similar to the facts in W.A.No. 823 of 2017. In these circumstances of the case, we feel it appropriate to follow the course adopted by the Division Bench in W.A.No. 823 of 2017. Accordingly, the order under appeal is set aside. W.P.No. 7863 of 2017 is restored to file. The Registry shall post the said Writ Petition along with W.P.No. 27211 of 2014 for being heard together by the learned single judge.

5. The Writ Appeal is accordingly allowed.

6. As a sequel to disposal of the Writ Appeal, W.A.M.P.No. 1592 of 2017 shall stand closed as infructuous.



C.V.NAGARJUNA REDDY, J.

GUDISEVA SHYAM PRASAD, J.

Date: 01-08-2017.

JSK

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD



W.A.No. 814 OF 2017

*(Judgment of the Division Bench delivered by
Hon'ble Sri Justice C.V.Nagarjuna Reddy)*

DATE: 01ST AUGUST, 2017

JSK