

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 7270 of 2015

ORDER:

1) The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the respondents in not paying salaries to the petitioners, who are the employees of the seventh respondent Board, as illegal, arbitrary and un-constitutional; and consequently direct the respondents to pay the salaries to the petitioners.

2) The averments in the affidavit filed in support of the writ petition would show that the petitioners were appointed by the seventh respondent Board and are working with the seventh respondent from the date of their respective appointments. After bifurcation of the State, the first respondent issued G.O.Ms.No.11, dated 05.07.2014 dissolving the Board and appointing the second respondent as authority to exercise the powers and discharge the duties of the Bhoodan Board for the state of Telangana. Similarly, fourth respondent ie. State of Andhra Pradesh represented by its Chief Secretary issued G.O. vide G.O.Ms.No.11 dated 20.01.2015 appointing the fifth respondent as the authority to exercise the powers and discharge the duties of the Bhoodan Board for the state of Andhra Pradesh. It is stated that after issuance of G.O.Ms.No.11, dated 05.07.2014 the petitioners were working under the second respondent, who had paid their salaries till

the month of October, 2014 though the petitioners are working in the office of seventh respondent. Later their salaries were not being paid. It is stated that several representations were made to the authorities for payment of salaries, but the same was postponed on one pretext or the other. Their inaction is subject matter of challenge in the present writ petition.

3) A counter came to be filed by the seventh respondent denying the averments made in the affidavit filed in support of the writ petition. It is stated that consequent to the formation of State of Telangana, with effect from 02.06.2014, the Government of Telangana adopted the Andhra Pradesh Bhoodan and Gramdan Act, 1965 (for short "the Act") to the State of Telangana under Section 101 of the Andhra Pradesh Re-Organisation Act, 2014. Pursuant thereto G.O.Ms.No.11, dated 05.07.2014 came to be issued. Initially the said G.O. was suspended in W.P.No.18833 of 2014 against which writ appeals came to be filed. On 29.04.2015, a Division Bench of this Court disposed of the writ appeals along with writ petitions. Thereafter, G.O.Ms.Nos.59 and 60 came to be issued dissolving the existing Board for the State of Telangana and appointing the Principal Secretary as an authority to exercise the power and discharge the duties of the Board till regular Board is constituted.

4) A reading of the counter indicates that the petitioners herein were never appointed by the Telangana Bhoodan Yagna

Board (for short “Telangana Board”) and on the other hand all the writ petitioners were appointed by the Andhra Pradesh Bhoodan Yagna Board (for short “Andhra Pradesh Board”). Since the petitioners were never appointed by the Telangana Board and they were never paid salaries by the seventh respondent, the question of paying salaries now would not arise. It is also stated that it is only Andhra Pradesh Board which has to pay the salaries to the petitioners, as they were appointed by them. It is stated that substantial amounts were withdrawn by Andhra Pradesh Board as such it is only the said Andhra Pradesh Board which has to pay the salaries. It is also stated that Andhra Pradesh Board is not included either in the IX Schedule or X Schedule of Andhra Pradesh Re-Organisation Act, 2014 and unless and until the employees of the erstwhile Board are allotted to the seventh respondent Board as per the Andhra Pradesh Re-Organisation Act, 2014, they cannot make any claim against the seventh respondent. In support of the same, he placed reliance on the circulars issued from time to time.

5) As seen from the averments in the counter and also the material placed along with the counter, four persons including petitioner Nos.3, 5 and 6 were allotted to Telangana Board to assist the deputed staff vide orders dated 28.07.2014. Though others were not allotted to Telangana Board but they also turned up for their work and their salaries were said to have been paid from the account of Andhra Pradesh Board. Having

regard to above averments made in para No.4 of the counter, the seventh respondent shall deal with the payment of salaries to petitioner Nos.3, 5 and 6, in accordance with law. Insofar as the other petitioners are concerned, the second respondent shall consider the representations made by them and pass orders so as to enable them to take steps in accordance with law.

6) With the above direction, the writ petition is disposed of. There shall be no order as to costs.

7) Miscellaneous petitions, if any, pending in these writ petitions shall stand closed.

JUSTICE C. PRAVEEN KUMAR

06.01.2017
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