

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.16043 OF 2003

ORDER (ORAL):

This Writ Petition has been filed seeking a Writ of *Mandamus* declaring the action of the respondents in not granting wages as per G.O. Ms. No.38 dated 26.02.1999 and G.O. Ms. No.25 dated 21.01.2003 as arbitrary and illegal and sought a consequential direction to pay wages as per the above said Government Orders.

2. Heard Sri B. Srinivas Rao, learned counsel for the petitioner, and Sri M.V.S. Prasad, learned standing counsel for the respondents, and perused the material on record.

3. It has been contended by the learned counsel for the petitioner that the petitioner was initially appointed as Watchman with the respondents during 1983. While he was discharging his duties, he was terminated illegally during 1989 by the respondents. Challenging the same, the petitioner has filed I.D. No.206 of 1990 and the Industrial Tribunal allowed the same in favour of the petitioner directing the respondents to reinstate the petitioner into service with back wages and continuity of service. Challenging the same, the respondents filed W.P. No.3109 of 1994 which was disposed of by a Division Bench of this Court vide order dated 24.06.1997 modifying the order passed by the Industrial Tribunal Court to the effect that the petitioner services be considered as fresh without continuity of service and back wages and specifically directed the respondents to reinstate the petitioner into

service within three (3) months. Thereafter, the petitioner was reinstated into service on 03.03.1999 and while the petitioner was discharging his duties, the respondents have not extended the pay scales as set out in G.O. Ms. Nos.38 dated 26.02.1999 and G.O. Ms. No.25 dated 21.1.2003. In these, circumstances, the present Writ Petition has been filed by the petitioner seeking a direction to the respondents to pay back wages as per the above said Government Orders. It has been further contended by the learned counsel for the petitioner that the petitioner viz., Y. Manga Raju had expired on 26.05.2009 while discharging duties as a watchman and his legal representatives were brought on record.

4. The learned standing counsel appearing for the respondents has contended that the deceased petitioner has submitted a representation dated 07.04.2003 seeking enhanced wages as per the aforesaid Government Orders and the same is pending.

5. Having considered the rival submissions made by the learned counsel on either side, this Court is of the view that ends of justice would be met if the legal representatives of the petitioner are permitted to submit a fresh representation to the competent authority of the respondents within two (2) weeks from the date of receipt of a copy of this order and upon such submission of the representation, the authorities shall consider the same and pass appropriate orders and also to pay the enhanced wages if the deceased petitioner was entitled to the same in accordance with the rules within a period of four (4) weeks thereafter.

6. With the above directions, the Writ Petition is disposed of.

There shall be no order as to costs.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the present Writ Petition stand closed.

ABHINAND KUMAR SHAVILI, J

October 4, 2018.
PV

