THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION Nos.33026 of 2012, 37193 of 2013 and 36514 of 2015

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

The issue arising for consideration in these three writ petitions is the same and relates to the entitlement of employees who were placed on the time scale to seek release of annual grade increments.

The Guntakal Municipality, Anantapur District, and the Greater Visakhapatnam Municipal Corporation, Visakhapatnam, extended the regular time scale to the employees in question but denied them the benefit of annual grade increments. Challenging the orders passed by the Andhra Pradesh Administrative Tribunal, Hyderabad, in this context, the present writ petitions were filed.

Learned counsel appearing for the parties in all three cases fairly state that the issue stands covered by the decision of this Court in P. Khadar Basha v. State of Andhra Pradesh[1]. A Division Bench of this Court held in the said case that the petitioners therein, having been extended the benefit of the time scale, would be entitled to addition of increments from time to time without eligibility for other allowances which a regular employee would be entitled to. However, accepting the plea of the State, the Division Bench held that the petitioners therein would be entitled to arrears in relation to annual grade increments only from the date they approached the Tribunal for relief.

In so far as W.P.No.33026 of 2012 is concerned, though the Guntakal Municipality filed the said writ petition aggrieved by the order

[1] 2017 (6) ALD 638 (DB)

dated 11.11.2010 in O.A.No.1222 of 2008, we find that prior to the institution of this O.A., the respondents in this writ petition filed O.A.No.5617 of 1999 before the Tribunal, wherein they sought release of periodical increments due to them from the date of payment of the minimum time scale, as was done in the case of employees of other municipalities. The Tribunal granted interim relief in the said O.A. and other connected O.As., *vide* common order dated 16.04.2002, directing the authorities to release the periodical increments to the applicants therein. It appears that the subsequent O.A.No.1222 of 2008 was filed by the respondents in W.P.No.33026 of 2012 complaining of inaction on the part of the authorities in abiding by the said order dated 16.04.2002 passed in O.A.No.5617 of 1999 and batch and reiterating their prayer to release periodical increments from the date of payment of the time scale, i.e. 05.02.1997.

We are conscious of the fact that the respondents in W.P.No.33026 of 2012 are not responsible for the failure of the Guntakal Municipality to abide by the order dated 16.04.2002 passed in their favour in the earlier O.A. The Guntakal Municipality is bound to comply with the said direction at least now, notwithstanding the fact that the respondents in the said case did not institute any contempt proceedings. However, as the date of institution of the earlier O.A. is not available and the fact remains that the respondents in this writ petition were not mindful of their legal rights consequent to the said order, we limit their entitlement to annual grade increments from the date of the order passed in the earlier O.A., i.e., from 16.04.2002.

In so far as W.P.No.37193 of 2013 is concerned, we find that the respondents therein filed the O.A. in early 2008 and as regards

W.P.No.36514 of 2015, the O.A. filed by the petitioners dated back to December, 2011. The employees covered by theses cases would therefore be entitled to release of annual grade increments from the date of institution of their O.As. in 2008 and 2011.

Release of the arrears of increments in terms of this order shall be made as expeditiously as possible and, in any event, not later than twelve weeks from the date of receipt of a copy of this order.

The writ petitions are disposed of with the above directions.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR,J

M. GANGA RAO, J

Date: 03.04.2018
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