

HON'BLE SRI JUSTICE SURESH KUMAR KAIT
&
HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P. No. 5208 of 2014

ORDER:- (ORAL)

(Per Hon'ble Sri Justice Suresh Kumar Kait)

This writ petition is filed by the petitioners - Government of Andhra Pradesh challenging the Common Order dated 30.04.2013 in O.A.No. 5977 of 2010 passed by the A.P. Administrative Tribunal, Hyderabad, whereby the Tribunal, while partly allowing the Original Application, directed the petitioners – Government to pay respondent Nos.1 to 3 minimum time scale with D.A. and also back-wages for three years prior to filing of the Original Application.

The learned Additional Advocate General appearing on behalf of the petitioners submits that the issue raised by respondent Nos.1 to 3 before the Tribunal has already been decided by this Court in W.P.No. 30530 of 2012 and batch, dated 28.08.2014 wherein it is held as under:

“Following the judgment in UMADEVI's case (1 supra), the respondents in all the writ petitions are entitled to the wages equal to the salary at the Lowest Grade of the employees of their cadre in their respective departments from the date of judgment of the Tribunal. However, it is made clear that all the respondents are only daily-wage earners, there would be no question of other allowances being paid. Therefore, the impugned order to the extent of directing the Government to pay Minimum Time Scale of Pay together with Dearness Allowance and also back wages for three years prior to filing of aforesaid Original Applications is set aside and modified as indicated above.”

The learned Additional Advocate General submits that in the light of the judgment cited above, respondent Nos.1 to 3 are entitled to only minimum time-scale and the petitioners – Government will not be prejudiced if the Common Order of the Tribunal is modified accordingly.

The learned counsel for respondent Nos.1 to 3 does not dispute the submission made by the learned Additional Advocate General and submits that the petitioners may be directed to pay minimum time-scale to respondent Nos.1 to 3.

Considering the above submissions, we are of the opinion that the Common Order passed in W.P.No. 30530 of 2012 and batch, dated 28.08.2014 is applicable to the case on hand. Accordingly, the Common Order of the Tribunal is modified in terms of the above extracted portion of the Common Order dated 28.08.2014 in W.P.No. 30530 of 2012 and batch passed by this Court. Consequently, the petitioners shall pay minimum time scale to respondent Nos.1 to 3 within a period of four weeks from the date of receipt of a copy of this order.

With the above observation, the writ petition is disposed of. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

06.03.2018

bcj

SURESH KUMAR KAIT, J

ABHINAND KUMAR SHAVILI, J

