

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND**

THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

Writ Petition No.10749 of 2018

ORDER: {Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan}

Heard Sri S.Satyam Reddy, learned Senior Counsel appearing on behalf of the petitioners, Sri A.K.Jayaprakash Rao, learned Standing Counsel for the Telangana Housing Board and Sri D.Ranganatha Kumar, learned Standing Counsel for the A.P. Housing Board and, with their consent, this writ petition is disposed of at the stage of admission.

This case has had a chequered history. The petitioners are all retired employees of the erstwhile A.P. Housing Board which, after 02.06.2014, stands bifurcated as the Telangana Housing Board and the Andhra Pradesh Housing Board. However, final allocation of employees is yet to take place, as also the division of assets. When the petitioners had earlier approached this Court filing W.P.No.2724 of 2018, we had, by our order dated 21.02.2018, permitted both the Housing Boards to consider the petitioners' representation, for payment of enhanced pension in terms of the 2013 PRC scales, within four weeks.

Pursuant thereto, the Telangana Housing Board passed an order on 16.03.2018, informing the petitioners that the A.P. Housing Board is the competent authority to sanction/consolidate/revise the pension of employees who retired/expired before the appointed day of 02.06.2014; payment of arrears would be shared in the ratio of 58.32 and 41.68, as is being followed; and necessary amounts would be deposited in the

APHB account on intimation of the total liability towards dearness relief arrears and consolidation of pension arrears of the 2013 Revised Pay Scales. The A.P. Housing Board informed the petitioners, by their letter dated 14.03.2018, that, since the dispute regarding division of assets was yet to be resolved, the financial position of the A.P. Housing Board was such as to disable them from implementing the 2013 PRC for retired employees.

It has not been disputed before us that the existing employees, of both the State Housing Boards, have been extended the benefit of the 2013 PRC scales of pay, and dearness allowance in terms thereof. It is only retired employees, of the Housing Board, who have not been extended the said benefit. In this tussle between both the State Housing Boards, over division of the assets and liabilities of the erstwhile A.P.Housing Board, retired employees cannot be made to suffer in the process, or be asked to await resolution of the *inter-se* disputes between the Housing Boards over division of assets and liabilities of the erstwhile A.P. Housing Board.

While it would be wholly inappropriate for us, in the exercise of our jurisdiction, under Article 226 of the Constitution of India, to issue a mandamus directing the authorities concerned to implement the 2013 PRC scales of pay, both the Housing Boards are required to take a considered decision on whether or not to implement the 2013 PRC scales of pay for its retired employees, and whether or not to extend the benefit of revised dearness allowance to them. This exercise, considering the fact that all these employees retired prior to 02.06.2014 nearly four years ago, cannot brook any further delay.

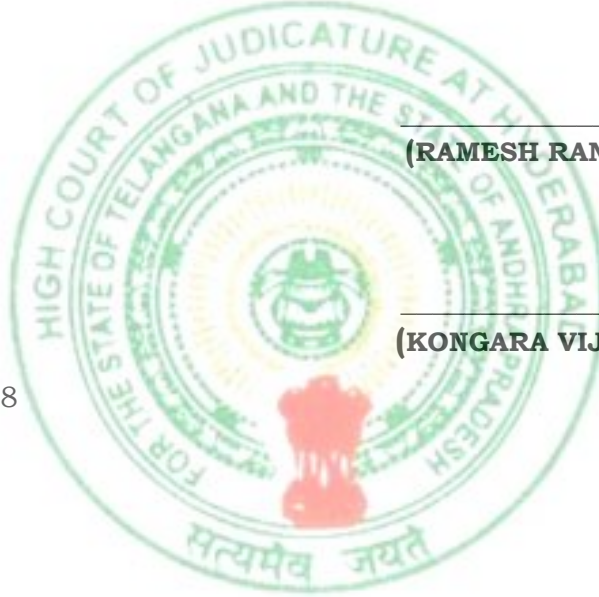
We consider it appropriate, therefore, to dispose of the Writ Petition directing both the Housing Boards to take a considered decision on whether or not to extend the benefit of the 2013 PRC scales of pay to its retired employees within three months from the date of receipt of a copy of this order. In case a decision is taken to implement the 2013 PRC scales of pay, the retired employees of the erstwhile A.P. Housing Board shall be paid all monetary benefits, in terms thereof, within three months thereafter.

Miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(KONGARA VIJAYA LAKSHMI, J)

12th April, 2018
JSU



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Date: 12.04.2018

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