

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

WRIT PETITION NO.37564 OF 2013

ORDER: (Per Hon'ble Sri Justice Sanjay Kumar)

This Writ Petition was preferred by The Kadapa Municipal Corporation, Y.S.R. District, aggrieved by the order dated 01.08.2013 passed by the Andhra Pradesh Administrative Tribunal, Hyderabad, in O.A.No.7036/2010. The said O.A. was filed by respondents 1 to 7 herein assailing the action of the petitioner Corporation in not regularizing their services though they had completed more than ten years of continuous service in various categories of posts. By order dated 01.08.2013, the Tribunal disposed of the O.A. directing the respondents therein to sanction minimum time scale of pay attached to the regular post borne on the last grade service to the applicants within a time frame. Aggrieved thereby, the present writ petition was filed.

By order dated 02.01.2014, this Court suspended the order of the Tribunal under challenge to the extent it directs regularization of services of the respondents/applicants. Be it noted that the order under challenge does not specifically direct the Corporation to regularize their services, though in the penultimate paragraph, the Tribunal held that the applicants in the O.A. were similarly situated to persons covered by the orders in other OAs and held the applicants entitled for minimum timescale of pay and for regularization of their services.

Sri Mahadeva Kanthrigala, learned counsel for the respondents/applicants, would inform this Court that the issue is squarely covered by the judgment rendered by a Division Bench of

this Court in W.P.No.30530 of 2012 and batch. A copy of the order dated 28.08.2014 passed therein is placed on record. Perusal thereof reflects that in similar circumstances, where the Tribunal had directed the Government to pay minimum timescale of pay together with Dearness Allowance and back wages for three years, the Division Bench, following the law laid down by the Supreme Court in ***Secretary, State of Karnataka vs. Uma Devi***¹, held that the employees concerned were only entitled to wages equivalent 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. The Division Bench further made it clear that there would be no question of other allowances being paid to them.

As we find that there was no specific direction in the order under challenge with regard to regularization of services and the operative portion thereof only directs the Kadapa Municipal Corporation to sanction minimum timescale of pay attached to the regular post to the applicants, the same is modified to the extent of directing the Kadapa Municipal Corporation to extend to the respondents/applicants the wages equivalent to the salary payable to the lowest grade of employees in the cadre in the Corporation from the date of the judgment of the Tribunal i.e., 01.08.2013.

Before parting with the case, it may be noted that Sri S.D.Goud, learned counsel appearing for the Corporation, sought an adjournment on 01.02.2018, but on 19.02.2018 there was no appearance on behalf of the Corporation. Again, on 22.03.2018, 03.04.2018 and 10.04.2018, requests were made for adjournments on his behalf. On the last date, the matter was directed to be posted

¹ 2006 (4) SCC 1

finally on 17.04.2018. Today, when the matter was taken up for hearing during the morning session, there was no representation for the Kadapa Municipal Corporation or its learned counsel. Despite the same, the matter was passed over but only during the course of dictation of the order, Sri V.V.Raghavaiah, learned counsel representing Sri S.D.Goud, learned counsel, again sought an adjournment on the ground that papers were not available with his office.

Sri Mahadeva Kanthrigala, learned counsel, would however inform this Court that copies were made available to the learned counsel not once, but twice. We are therefore not inclined to accept the request for a further adjournment and more so, as the subject matter of this *lis* is squarely covered by the earlier decision of this Court.

The Writ Petition is disposed of accordingly. The Kadapa Municipal Corporation shall remit the amounts due to the respondents/applicants in terms of this order within eight weeks from the date of receipt of a copy of this order.

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

17th April, 2018

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