

**HON'BLE SRI JUSTICE SURESH KUMAR KAIT
AND
HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

W.P.No.14705 OF 2018

ORDER: (ORAL)

(per Hon'ble Sri Justice Suresh Kumar Kait)

Vide the present petition, petitioners have challenged order dated 23.03.2018 passed in O.A.No.569 of 2018 by the Andhra Pradesh Administrative Tribunal at Hyderabad, whereby the application filed by the petitioners under Section 19 of the Administrative Tribunals Act, 1985 has been dismissed.

2. Petitioners are working as NMRs in Adoni Municipality, Kurnool District. They filed the aforesaid O.A., claiming release of periodical increments from the date of release of time scale and pay all the arrears. The petitioners are not regularised employees in terms of G.O.Ms.No.212 Finance and Planning (FW.PC-III) Department, dated 22.04.1994, since they were not in continuous service as NMRs for a period of 5 years by 25.11.1993, which is cut off date mentioned in that G.O. However, since they were working for a lesser period than 5 years prior to 25.11.1993, they were given only time scale. Their grievance is that they were not released annual grade increments, H.R.A., and C.C.A. Therefore, they filed application before the Tribunal to release annual grade increments and H.R.A., to them from the date of payment of minimum time scale extended vide

Proc.Roc.No.1376/2015-F2, dated 31.12.2015 along with arrears.

3. The case of the respondents herein is that the petitioners are not entitled for periodical increments, H.R.A., and other allowances, which are not being granted to them.

4. Learned counsel appearing on behalf of the petitioners submits that the issue raised in the present petition has already been decided by this Court in W.P.No.26788 of 2017 vide order dated 10.08.2017.

5. It is pertinent to mention here that the petitioners in the aforesaid writ petition were working in Last Grade Service in Kavali Municipality, Nellore District since 1989. As their services were not regularized in view of the fact that they did not put up five years of service as on 25.11.1993, the cut-off date mentioned in G.O.Ms.No.212, Finance and Planning Department, dated 22.04.1994, they continued as NMRs./Daily Wage Workers all these years. However, they have been extended minimum time scale. They filed O.A., before the Tribunal for direction to the respondents to release the annual grade increments, HRA and CCA from the date of payment of the minimum time scale along with arrears.

6. The facts of the aforesaid case and the case on hand are similar and in the aforesaid case, this Court restricted the benefit of arrears from the date of filing of the O.A., by the petitioners therein. Accordingly, respondents were directed to release the minimum time scale of pay to the

petitioners therein by adding the annual grade increments as and when they fell due from time to time.

7. Since the facts and circumstances of the case in hand are similar to the aforesaid case, we are of the considered opinion that the directions issued by this Court in the aforesaid case are applicable in the case of the petitioners herein.

8. Accordingly, respondents are directed to release minimum time scale of pay to the petitioners by adding the annual grade increments as and when they fell due from time to time within a period of four (04) weeks from the date of receipt of a copy of this order.

9. It is made clear that the said benefit shall be restricted only from the date of filing of the O.A., by the petitioners.

10. Accordingly, the Writ petition is allowed. No order as to costs.

Miscellaneous petitions, if any pending in the writ petition, stand closed.

SURESH KUMAR KAIT, J.

ABHINAND KUMAR SHAVILI, J.

Date : 25-06-2018
Gvl