

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

**WRIT PETITION Nos.
15531, 15793 & 19902 of 2018**

COMMON ORDER: (Oral)

(Per Hon'ble Sri Justice Suresh Kumar Kait)

Since the issue raised in these three writ petitions is one and the same, with the consent of the parties, we dispose of these writ petitions together by this common order. For the purpose of disposal, we discuss the facts as stated in W.P.No.15531 of 2018.

2. The petitioners in W.P.No.15531 of 2018 have challenged the order dated 14th March 2018 passed in O.A.No.484 of 2018 by the Andhra Pradesh Administrative Tribunal, Hyderabad, whereby, the application filed by the petitioners under Section 19 of the Administrative Tribunals Act, 1985, has been dismissed.

3. The petitioners were appointed as unskilled part-time contingent Sweepers-cum-Waterboys, by order in Rc.A.338/92, dated 31.07.1992, issued by the Deputy Commercial Tax Officer, Machilipatnam (Rural). The petitioners are still working as part-time employees only. Since they did not complete 10 years of continuous service as part-time employees by the cut-off date i.e. 25.11.1993 when the Andhra Pradesh Act 2/1994 came into force, none of them are entitled for regularization under G.O.(P).No.112, Finance and Planning (FW.PC-III) Department, dated 23.07.1997. Therefore, the petitioners

approached the Tribunal seeking minimum time scale of pay payable to last grade servants.

4. Though the applications filed by the petitioners before the Tribunal have been dismissed, however, the counsel for petitioners has relied upon the order dated 10.07.2017, passed in W.P.No.20900 of 2017, whereby, this Court directed the respondents to pay minimum time scale to the petitioners therein within four weeks from the date of receipt of order, failing which, the respondents shall pay interest at the rate of 9% per annum from the date of passing of order by the Tribunal till realization of amount.

5. Learned counsel appearing on behalf of petitioners submits that the issue in the present writ petitions is also covered by a Division Bench judgment of this Court in **P.Khadar Basha & others v. State of Andhra Pradesh & others**¹. He further submits that the directions given in the aforesaid judgment have been complied with by the respondents. Therefore, counsel for petitioners seeks similar directions in the present writ petitions also.

6. Since the issue in the present writ petitions is no more *res integra*, we hereby allow the present writ petitions, directing the respondents to pay minimum time scale as well as increments to the petitioners as per the law laid down by the Division Bench in **P.Khadar Basha's** case (supra).

¹ 2017 (6) ALD 638 (DB)

7. Consequently, the impugned orders passed by the Tribunal are set aside. No order as to costs.

As a sequel, pending miscellaneous applications, if any, shall stand closed.

SURESH KUMAR KAIT, J

ABHINAND KUMAR SHAVILI, J

25th June, 2018

ajr

