

HON'BLE SRI JUSTICE SURESH KUMAR KAIT

AND

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.16848 of 2018

ORDER: (Per Hon'ble Sri Justice Suresh Kumar Kait)

Learned Government Pleader for Municipal Administration and Urban Development accepts notice on behalf of the respondents.

Vide the present petition the petitioner has challenged the order dated 5.3.2018 passed in O.A.No.397 of 2018 by the Andhra Pradesh Administrative Tribunal, whereby the application filed under Section 19 of the Administrative Tribunals Act, 1985 (for short 'the Act'), has been dismissed.

The petitioner, who is wife of Yesobu, filed the original application before the Tribunal for regularization of services of her husband, with effect from completion of 10 years of services in terms of G.O.(P).No.112, Finance and Planning (FW.PC.III) Department, dated 23.07.1997 as he completed 10 years of part-time service by that date or alternatively for implementation of G.O.Ms.No.194, Finance (HR-III) Department, dated 7.10.2016, by way of paying minimum of time scale together with all allowances.

The learned Tribunal after considering the rival contentions passed order as under:

“Firstly, the applicant’s claim for regularization of Yesobu’s services under G.O.(P).No.112 is not sustainable, since Yesobu did not complete ten years of continuous service as Part-time worker by the cut off date mentioned therein i.e., 25.11.1993. The applicant’s counsel could not point out any decision of either this Tribunal or High Court or any other Court to show that the said condition of completion of ten years of service as Part-time worker stipulated in G.O.(P).No.112 was either struck off or deviated.

Secondly, G.O.Ms.No.194 speaks about revision of minimum time scale from Rs.6,700/- per month to Rs.13,000/- per month, apart from allowances to those who were drawing minimum time scale. The applicant’s husband Yesobu was admittedly not drawing minimum time scale of Rs.6,700/- by the time PRC-2015 came into effect. Therefore, G.O.Ms.No.194 has no application to the case of Yesobu.”

It is not in dispute that the husband of the petitioner was appointed as part-time sweeper on 12.5.1986 and completed 10 years of continuous service by 11.5.1996, which is evident from the proceedings of the 1st respondent dated 1.12.2016. However, the learned Tribunal has given its opinion contrary to the aforesaid proceedings.

We are of the considered view that the said opinion is liable to be set aside.

Accordingly, by setting aside the order dated 5.3.2018 passed in O.A.No.397 of 2018, We hereby direct the respondents to release benefits of the deceased-Yesobu to the

petitioner in terms of the proceedings dated 1.12.2016 within four weeks from the date of receipt of a copy of this order.

Accordingly, the Writ Petition is allowed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE SURESH KUMAR KAIT

JUSTICE ABHINAND KUMAR SHAVILI

14th June, 2018
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