

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.1337 OF 2009

ORDER:

1. This writ petition is filed seeking to issue a writ of Mandamus declaring the acts of the respondents in not paying monthly salaries of the petitioners as per their appointment orders and experience by paying consolidated salary; not deducting provident fund etc; not paying any allowances like DA, HRA, CCA and other special allowances, as illegal, arbitrary and contrary to the service rules; and consequently, to direct the respondents to pay monthly salaries of the petitioners including arrears; all other regular annual increments and allowances DA, HRA, CCA etc., and to deduct provident fund from the date of their appointment orders as they are permanent employees of respondent-organization.

2. Heard Sri M. Venkataratnam Reddy, learned Counsel for the petitioners and Sri P.V. Ravindra Kumar, learned Counsel for the 3rd respondent.

3. Learned Counsel for the petitioners contended that the petitioners were appointed during 1997 to 1998 to work with the 3rd respondent and that the respondents issued appointment orders to the petitioners indicating the pay scales of the posts in which they were appointed. He further contended that though

the pay scales are indicated in the appointment orders, but the salaries are not being paid as per the pay scales indicated in the appointment orders and that the petitioners submitted representation dated 7.4.2003 requesting the 3rd respondent to pay salaries as indicated in the appointment orders and also to extend all benefits, but so far, no orders have been passed on the representations pending with the 3rd respondent.

4. Learned Counsel for the 3rd respondent contended that because of the financial constraint, the 3rd respondent is not in a position to pay salaries to the petitioners and that the competent authority to decide the issue is the Board of Directors. He further contended that since 2002, the petitioners are being paid consolidated wages as the financial position of the 3rd respondent is not healthy.

5. Having considered the submissions made by the parties, this Court is of the view that this writ petition can be disposed of with a direction to the petitioners to submit a fresh representation to the respondents, and with a direction to the respondents to consider the same and pass appropriate orders.

6. Accordingly, the Writ Petition is disposed of directing the petitioners to submit a fresh representation to the respondents, within two weeks from the date of receipt of a copy of this order. On such representation being made, the 3rd respondent shall

place the same before the Board of Directors for its decision as to the extension of regular pay scales to the petitioners as indicated in the appointment orders and other allowances to which the petitioners are entitled as per the Rules, and pass appropriate orders thereon, within a period of four weeks thereafter, and communicate the same to the petitioners. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Dated:4th October, 2018.
Nn.



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4/10/2018

Nn.