

HON'BLE SRI JUSTICE SURESH KUMAR KAIT
&
HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P. No. 26820 of 2018

ORDER:- (ORAL)

(Per Hon'ble Sri Justice Suresh Kumar Kait)

Heard the learned counsel for the petitioner and the learned Government Pleader appearing on behalf of the respondents and with their consent, the writ petition itself is being disposed of at the admission stage.

The petitioner has challenged the order dated 04.04.2017 passed in O.A.No.2923 of 2013 by the Andhra Pradesh Administrative Tribunal, Hyderabad, whereby the application filed under Section 19 of the Administrative Tribunals Act, 1985, has been dismissed along with other O.As.

The issue before the Tribunal was, whether the petitioner, who was working as HR worker/ Job Typist covered by the batch of O.As., drawing minimum of time scale attached to the regular post, was entitled to annual grade increments, HRA and CCA from the date of payment of minimum time scale.

Similar issue came up before the Tribunal in O.A.No.7915 of 2002, which was allowed, vide order dated 26.08.2002. The said order was challenged before this Court by the authorities vide

W.P.No.27214 of 2005, which was dismissed. Being aggrieved, S.L.P. (C) No.6422 of 2007 was filed, which was dismissed by the Hon'ble Supreme Court by order dated 23.11.2009.

In addition to the above, similar issue has also come up before this Court in W.P.No.26788 of 2017, and this Court allowed the same vide order dated 10.08.2017, with the following observations:

“In the light of the above discussion, we are of the opinion that as the petitioners have been extended the minimum time scale, they are entitled to addition of increments from time to time in the minimum time scale without being entitled to all other allowances which a regular employee is entitled.

The learned Government Pleader for Services (Andhra Pradesh) submitted that the Court may consider limiting the grant of annual grade increments to the petitioners to a reasonable past period as, the relief of payment of arrears, if granted from the time of extension of the minimum time scale to the petitioners, would cause huge burden on the exchequer.

Though in strict sense, the petitioners are entitled to all the arrears, keeping in view the fact that they have approached the Tribunal only in the year 2013 and also the public interest, we restrict the said benefit only from the date of filing of the said O.A., by the petitioners. The Writ Petition is, accordingly, allowed in part to the extent indicated above. The respondents shall revise the minimum time scale of pay of the petitioners by adding the annual grade increments as and when they fell due from time to time.”

Since the petitioner herein is similarly placed and the issue raised in present petition is no more *res integra*, therefore, the

order dated 04.04.2017 passed by the Tribunal in O.A.No.2923 of 2013 is set aside. Consequently, the respondents are directed to revise the minimum time scale of pay of the petitioner by adding the annual grade increments as and when they fell due from time to time. It is made clear that the said benefit shall be applicable from the date of filing of the O.A., before the Tribunal.

Writ petition is allowed to the extent indicated above. No order as to costs.

As a sequel, miscellaneous petitions, if any pending, shall stand disposed of as infructuous.

01.08.2018

SURESH KUMAR KAIT, J

bcj

ABHINAND KUMAR SHAVILI, J

