

HON'BLE SRI JUSTICE SANJAY KUMAR
AND
HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION Nos.12572 and 25967 of 2017

COMMON ORDER: *(per Hon'ble Sri Justice Sanjay Kumar)*

Writ Petition No.12572 of 2017 was filed by the applicants in O.A.No.4067 of 2012 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad, seeking implementation of the order dated 13.6.2012 passed therein.

Writ Petition No.25967 of 2017 was filed by the erstwhile Government of Andhra Pradesh and its Commissioner in the Department of Ayush, the respondents in O.A.No.4067 of 2012, aggrieved by the order dated 13.6.2012 passed by the Tribunal therein.

During the pendency of the aforesated Writ Petitions, applicant No.2 in the O.A. died and his legal representatives were brought on record as petitioner Nos.3 to 9 in Writ Petition No.12572 of 2017 and as respondent Nos.3 to 9 in Writ Petition No.25967 of 2017.

The issue that falls for consideration is as to the status of the service rendered by the applicants in the O.A. on temporary daily honorarium basis in the context of their pensionary benefits. The Tribunal held that such service would have to be counted as qualifying service for the purpose of pensionary benefits, special grade sanction of 8/16 years scale under Automatic Advancement Scheme, etc.

It is relevant to note that in Writ Petition No.25967 of 2017, the authorities, being the petitioners therein, specifically referred to the fact that the very same issue had been dealt with by the Tribunal in O.A.No.1807 of 2012 which was the subject matter of Writ Petition No.21086 of 2012 pending before this Court.

Sri M.Srikanth, learned counsel for the applicants in the O.A., would inform this Court that by common order dated 20.11.2018, this Court considered the issues raised in Writ Petition No.21086 of 2012 along with the connected Writ Petitions, viz, Writ Petition Nos.20691, 20700, 20701 and 20702 of 2012, and upheld the order of the Tribunal while dismissing the Writ Petitions. Learned counsel would state that the service rendered by the applicants in the O.A. on temporary daily honorarium basis till their regularisation would therefore have to be counted as qualifying service for the purpose of pensionary benefits, special grade sanction of 8/16 years scale under Automatic Advancement Scheme, etc.

In the light of the adjudication in the aforestated batch of Writ Petitions and for reasons alike as were mentioned in the common order dated 20.11.2018 in Writ Petition No.21086 of 2012 and batch, Writ Petition No.25967 of 2017 deserves to be dismissed and it is accordingly dismissed. In consequence, Writ Petition No.12572 of 2017 is allowed and the authorities are directed to pay the arrears of pension and other benefits due to applicant No.1 in the O.A. and the legal representatives of the deceased applicant No.2 in the O.A. within eight weeks from the date of receipt of a copy of this order.

Pending Miscellaneous Petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

JUSTICE M. GANGA RAO

19th December, 2018
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