

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION Nos.33626 OF 2017 & 13414 of 2018

DATED : 10.07.2018

W.P.No.33626 of 2017:

Between :

Guntur Municipal Workers Union,
(Regd.No.C/2),
Rep., by its General Secretary,
Varrikallu Ravi Kumar,
S/o.Koteswar Rao,
Aged 51 yrs, R/o.Flat No.201,
Sri Bhramari Homes,
2nd Lane, Vidya Nagar, Guntur,
Guntur District.

.. Petitioner

And

The State of Andhra Pradesh,
Rep., by its Principal Secretary,
Municipal Administration & Urban Development,
Secretariat, Velagapudi,
Amaravathi, Guntur District & others.

.. Respondents

W.P.No.13414 of 2018:

Between :

Greater Visakhapatnam Municipal Employees' Union,
(Regd.No.3392/69),
Rep., by its President,
Mahadev Anand Rao,
S/o.Samba Murthy, Aged 56yrs,
R/o.Door No.54-17-73,
Bhanu Nagar, Visakhapatnam-22, Andhra Pradesh.

.. Petitioner

And

The State of Andhra Pradesh,
Rep., by its Principal Secretary,
Municipal Administration & Urban Development,
Secretariat, Velagapudi,
Amaravathi, Guntur District & others.

.. Respondents

This court made the following :

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WRIT PETITION Nos.33626 OF 2017 & 13414 of 2018

COMMON ORDER :

Petitioners in both the writ petitions are union of employees working in Guntur Municipal Corporation and Greater Visakhapatnam Municipal Corporation respectively. Petitioners seek payment of equal wage to the daily wage sanitary workers discharging equal work as discharged by the regular workmen by following the principle laid down by the Hon'ble Supreme Court in ***State of Punjab and others Vs Jagjit Singh and others*¹**.

2. When the matters are taken up for consideration, learned Standing counsel, raised objection on maintainability of writ petitions on the ground that the service grievance of employees working under Municipal Corporations is vested in Andhra Pradesh Administrative Tribunal constituted under the Administrative Tribunals Act, 1985 (for short 'the Act') and the petitioners have to avail the remedy as available under the Act.

3. As held by the Hon'ble Supreme Court in ***L. Chandra Kumar Vs Union of India*²**, the Administrative Tribunal is the Court of first instance, the aggrieved person has to invoke the jurisdiction of Administrative Tribunal. As the members of the petitioners union are working in respective Municipal Corporations, and their grievance is non payment of remuneration on par with regular employees, they have to agitate their grievance before the Andhra Pradesh Administrative Tribunal.

¹ (2017) 1 SCC 148

² AIR 1997 SC 1125

4. Thus, leaving it open to the petitioners to avail appropriate remedy, provided under the Act, the Writ Petitions are dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in these writ petitions shall stand closed.

P.NAVEEN RAO,J

10th July, 2018
Rds

