

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

WRIT PETITION NO.37159 OF 2018

ORDER

(Per Hon'ble Sri Justice Sanjay Kumar)

The petitioners are the unsuccessful applicants in O.A.No.1637 of 2018 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad (hereinafter, 'the Tribunal'). Their prayer therein was to declare the action of the authorities in not paying them the minimum pay on par with similarly situated persons as illegal and to consequently direct the authorities to do so by extending to them the benefit of G.O.Ms.No.601 dated 12.12.2017. By the order dated 14.08.2018, the Tribunal dismissed the O.A. Hence, this writ petition.

It is an admitted fact that all the petitioners have been working as Part-time Sweepers-cum-Night Watchmen since 1994-95. The Tribunal took note of this aspect and as they were not entitled to regularization of their services in terms of G.O.Ms.No.212 dated 22.04.1994 or G.O.(P) No.112 dated 23.07.1997, they were non-suited as they were not in service by the cut-off date prescribed in the aforestated G.Os., viz., 25.11.1993.

Sri K.Srinivasa Prasad, learned counsel for the petitioners, would however bring it to our notice that this Court had occasion to consider the claim of similarly situated persons who sought sanction of the minimum of the time-scale in W.P.No.20900 of 2017. A copy of the order dated 10.07.2017 passed therein is placed on record. Perusal thereof reflects that the prayer in O.A.No.3168 of 2014 filed by the respondents in W.P.No.20900 of 2017 was on similar lines as the prayer of the petitioners in the case on hand. However, unlike the case on hand, the Tribunal allowed the said O.A.

directing the authorities to sanction the minimum of the time-scale to them. Aggrieved thereby, it was the authorities who filed W.P.No.20900 of 2017. This Court took note of the observations of the Supreme Court in SECRETARY OF STATE OF KARNATAKA V/ s. UMADEVI¹ and the earlier judgment of this Court in W.P.No.30530 of 2012 and batch which were decided on 28.08.2014 and held that persons who were appointed as NMRs were entitled to wages equal to the salary drawn by the lowest cadre of employees in the respective departments. This Court therefore dismissed the said writ petition.

G.O.Ms.No.601 dated 12.12.2017 was issued by the Government in compliance with the order passed in O.A.No.3168 of 2014 which stood confirmed by the dismissal of W.P.No.20900 of 2014. It may be noted that in the said case, the employees were also appointed beyond the cut-off date, 25.11.1993, prescribed under G.O.Ms.No.212 dated 22.04.1994 but despite the same, the Tribunal held them entitled to the minimum of the time-scale and the same was confirmed by this Court. We therefore see no grounds to deny the same benefit to the petitioners herein.

The writ petition is accordingly allowed directing the respondent-authorities to extend to the petitioners the minimum of the time-scale attached to the lowest post in the Last Grade Service in the office of the Commercial Tax Officer, East Godavari District, from the date of filing of O.A.No.1637 of 2018. The arrears of the said benefit shall be remitted to the petitioners within six weeks from the date of receipt of a copy of this order. The respondents shall continue to pay the minimum of the time-scale to the petitioners thereafter till their regularization in service, if it comes to pass.

¹ (2006) 4 SCC 1

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

SANJAY KUMAR, J

M. GANGA RAO, J

19th NOVEMBER, 2018

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