

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.7066 of 2019

ORDER:

This writ petition is being disposed of at the admission stage with the consent of both parties.

This writ petition is filed seeking a Writ of Mandamus declaring the action of the 1st respondent in not according permission to the District Treasury Officer, Mancherial for payment of petitioner's pay fixation arrears amount of Rs.1,27,178/- as arbitrary, illegal and contrary to the judgment of this Court and sought a consequential direction to the 1st respondent to accord permission to the District Treasury Officer, Mancherial and respondents 2 to 5 to pay arrears of pay fixation to the petitioner immediately.

Heard Sri K. Bathi Reddy, learned counsel for the petitioner, and the learned Government Pleader for Services-I appearing for the respondents.

It has been contended by the petitioner that he was initially appointed on daily wage basis on 01.06.1987 and while he was working as such, the State Government has taken a policy decision to regularise the services of the temporary employees vide G.O.Ms.No.193 dated 14.03.1990, but the respondents are not considering his case. The petitioner further submits that when his services were terminated by proceedings dated 06.11.2001, he has filed O.A.No.8548 of 2001 before the then Andhra Pradesh

Administrative Tribunal, Hyderabad (for short, 'the Tribunal') and the said O.A was allowed by the Tribunal vide orders dated 27.11.2001. Challenging the orders passed by the Tribunal, the State filed W.P.No.5096 of 2002 and this Court dismissed the said writ petition on 25.08.2009 confirming the orders of the Tribunal. Subsequently, since the respondents were not complying with the orders passed in W.P.No.5096 of 2002, the petitioner filed C.C.No.920 of 2010 and thereafter the respondents have regularised the services of the petitioner vide proceedings dated 11.08.2010 with effect from 01.06.1987. The petitioner also submits that when his services were regularised with retrospective effect, he is entitled for arrears of salary and other benefits. The petitioner further contends that the competent authority has submitted pay fixation arrears bill to the Sub-Treasury Office, Sirpur, and the District Treasury Officer, Adilabad, has raised an objection that the consent of the Government is required to admit the arrears' claim of the petitioner. The District Treasury Officer has informed the said objection to the Tahsildar, Sirpur, Adilabad, vide proceedings dated 15.09.2010 and the Tahsildar in turn has forwarded the said proceedings to the Finance Department requesting to accord permission to the District Treasury Officer, Adilabad for admitting the arrears' claim of the petitioner and the same is pending before the Finance Department.

Learned counsel for the petitioner submits that a direction be issued to the Finance Department to pass appropriate orders on the

query raised by the District Treasury Officer vide memo dated 15.09.2010.

Learned Government Pleader appearing for the respondents contended that the services of the petitioner were regularised in pursuance of the orders passed by the Tribunal, which were confirmed in W.P.No.5096 of 2002 preferred by the State, and it is for the Finance Department to give clarification on the query raised by the District Treasury Officer and to pass appropriate orders thereon in accordance with law.

This Court, having considered the rival submissions of the learned counsel for respective parties, is of the considered view that this writ petition can be disposed of directing the Finance Department i.e., respondent No.7 to give clarification to the District Treasury Officer for clearance of the bills of the petitioner and to pass appropriate orders in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

With these observations, the writ petition is disposed of. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

ABHINAND KUMAR SHAVILI,J

03.04.2019

v v