

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

THURSDAY, THE TENTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY

PRESENT

**THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN
AND
THE HON'BLE SRI JUSTICE P. KESHAVA RAO**

**I.A.NO.2 OF 2019
IN
WRIT PETITION NO: 9817 OF 2019**

Between:

1. Telangana Housing Board, Represented by Vice Chairman and Housing Commissioner, Gruhakalpa, M.J.Road Nampally, Hyderabad
2. The State of Telangana, Rep. by its Principal Secretary to Government, Housing Department, Telangana Secretariat, Hyderabad

....REVIEW PETITIONER/
RESPONDENTS 1 & 3

AND

1. S.Gangadhar Rao, S/o.Pentaliah (Late) aged 55 years Working as Assistant Estate Officer, O/o.Vice Chairman and Housing Commissioner, Telangana Housing Board Gruhakalpa, M.J.Road, Nampally, Housing Board, Hyderabad.
2. Md.Fahee, S/o. Md.Ismail (Late) Aged 40 years, working as Superintendent Telangana Housing Board Gruhakalpa, M.J.Road, Nampally, Hyderabad.
3. The Vice Chairman and Housing Commissioner, Andhra Pradesh Housing Board, Prasadampadu, Vijayawada, Krishna District.

...RESPONDENTS/
PETITIONERS

...RESPONDENT/
RESPONDENT

Petition under Order 47 Rule 1 R/w. 114 of CPC praying that for the reasons stated in the Memorandum of grounds filed in support thereof, the High Court may be pleased to review the order passed in WP No. 9817 of 2019 dated 13-06-2019 in so far as directing payment of salary and allowances to the respondents 1 and 2 during the period in which they have not discharged their duties

This petition coming on for hearing, upon perusing the petition and the Memorandum of grounds filed in support thereof, and reading the Order date 13.06.2019 in W.P.No.9817 of 2019 and upon hearing the arguments of Sri A. K. Jayaprakash Rao, Standing Counsel for the Review Petitioners and of Sri P. V. Ramana, Counsel for Respondent Nos. 1 & 2, the Court made the following:

ORDER

"The review petitioners, namely Telangana Housing Board and the State of Telangana, have filed the present review petition for reviewing the judgment dated 13.06.2019, passed by a learned Division Bench in W.P.No.9817 of 2019, whereby the learned Division Bench had not only allowed the writ petition, but had also directed the Telangana Housing Board to permit the respondent Nos.1 and 2, writ petitioners, to join duty, and to pay them full salary and allowances from the date on which they have reported to duty.

Mr. A.K. Jayaprakash Rao, the learned counsel for the review petitioners, submits that since the writ petitioners did not discharge any duty from the date of their joining on 15.12.2017 and 01.02.2018, respectively, till they were directed to join duties after the judgment was passed by the learned Division Bench, the writ petitioners are not entitled to receive any salary for the interim period. According to the learned counsel, thus, there is an error apparent on the face of the record, as the learned Division Bench had directed the payment of salary to the writ petitioners though they were not discharging any work. Hence, the judgment is against the principle of 'no work no pay'.

On the other hand, Mr. P.V. Ramana, the learned counsel for the respondent Nos.1 and 2, writ petitioners, submits that repeatedly the Telangana Housing Board had written to the Andhra Pradesh Housing Board by letters dated 18.03.2016, 16.06.2016, 07.09.2016, 07.02.2017, 03.04.2017 and 19.06.2017 to repatriate its employees to Telangana Housing Board. It is on the basis of these letters that the writ petitioners were relieved, and they reported for duties. The writ petitioner No.1 had reported for duty on 15.12.2017, and the writ petitioner No.2 had reported for duty on 01.02.2018. But, despite having reported to duty, they were neither permitted to join the duty, nor granted any salary. It is in these circumstances that the writ petitioners had filed the writ petition before the learned Division Bench.

Moreover, aggrieved by the judgment dated 13.06.2019, the Telangana Housing Board had filed a Special Leave Petition, namely Special Leave to Appeal (C) No.21732 of 2019, before the Hon'ble Supreme Court. The said SLP was dismissed by the Hon'ble Supreme Court by its judgment dated 16.09.2019. It is only in order to save itself from contempt case filed before this Court that the Telangana Housing Board has filed the present review petition.

Lastly, there is no error apparent on the face of the record which would warrant a review by this Court. Therefore, the learned counsel has supported the impugned judgment.

Needless to say, the review jurisdiction is an extremely narrow one under order XLVII Rule 1 CPC. Unless a new evidence or facts are discovered, which could not be discovered even after due diligence, or unless there is an error apparent on the face of record, a review would not lie.

In the present case, the learned Division Bench had clearly noticed that repeatedly it is the Telangana Housing Board that had requested the Andhra Pradesh Housing Board to repatriate its employees to the parental department. It is on the basis of these letters that the writ petitioners were relieved; they had joined their duties on the dates mentioned hereinabove. Despite having joined

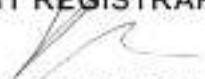
their duties, they were neither permitted to work nor paid their salary. Therefore, under these circumstances, the learned Division Bench was certainly justified in directing the Telangana Housing Board to permit the writ petitioners to join their duties, and to pay them salary for the period they were not paid. Hence, there is no error apparent on the face of the record.

Moreover, if there was any illegality or perversity in the judgment dated 13.06.2019, the same would have been pointed out by the Telangana Housing Board before the Hon'ble Supreme Court. But, the Hon'ble Supreme Court had also dismissed the SLP filed by the Telangana Housing Board.

For the reasons stated above, this Court does not find any merit in the review petition, and it is hereby dismissed.

//TRUE COPY//

Sd/- I. NAGA LAXMI
ASSISTANT REGISTRAR


SECTION OFFICER

To,

1. One CC to Sri P V Ramana Advocate [OPUC]
2. One CC to Sri A. K. Jayaprakash Rao, Advocate (OPUC)
3. Two CD Copies

MBC

125

HIGH COURT

HCJ
&
PKR,J

DATED: 10/09/2020



ORDER

I.A.NO.2 OF 2019
IN
WRIT PETITION NO: 9817 OF 2019

DISMISSING THE REVIEW PETITION

4
21/09/2020