

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.38456 OF 2017

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 respondents 3 to 7 in not paying the revised/enhanced wages effected in January, 2013, January, 2015, June, 2016 and on 06.10.2017 to the petitioners, who are working as Hamalies continuously right from the date of their appointment with the respondents 5 to 7, as illegal, arbitrary, unconstitutional and violative of Articles 14, 16 and 21 of the Constitution of India and sought a consequential direction to the respondents 3 to 7 to pay the revised/enhanced wages effected in January, 2013, January, 2015, June, 2016 and on 06.10.2017 to the petitioners, who are working as Hamalies continuously right from the date of their appointment with respondents 5 to 7, without deducting the wages for the breaks.

Heard Sri P. Govind Reddy, learned counsel for the petitioners, learned Government Pleader appearing for respondent No.1 and Sri S.M. Subhan, learned Standing Counsel appearing for respondent Nos.3 to 7.

It has been contended by the petitioners that they were appointed as Hamalies on daily wage basis in the Regional Centres of the 3rd respondent – Telugu Academi and they are categorized as skilled, semi-skilled and unskilled depending on the nature of duties

they perform. The petitioners further submit that they were appointed when the State was united and, on bifurcation of the State by the A.P. Re-organisation Act, they are working in the Telugu Academi Regional Centres situated in Ananthapur, Chittoor and Guntur Districts. The petitioners further submit that the 3rd respondent Institution falls under X Schedule and it is yet to be bifurcated between the State of Andhra Pradesh and the State of Telangana. Admittedly, the petitioners were initially appointed as Hamalies on daily wage basis and they are being continued even today on daily wage basis. The petitioners further submit that the 3rd respondent has been revising wages of the Hamalies from time to time and that all the Hamalies working in the Head Office at Hyderabad are being paid the revised wages, however, the same are not being extended to the petitioners only on the ground that they are discharging their duties outside the territorial jurisdiction of the State of Telangana.

Learned counsel for the petitioners submits that since the petitioners are being continued as Hamalies, on daily wage basis, by the 3rd respondent, they are entitled for revised wages. Therefore, learned counsel submits that appropriate orders be passed in the writ petition directing the 3rd respondent to pay the revised/enhanced wages to the petitioners.

Learned Standing Counsel appearing for the 3rd respondent had submitted that the State of Andhra Pradesh has not entrusted any work to the 3rd respondent, therefore, the 3rd respondent has suffered loss

and is not in a position to pay revised wages to the petitioners. Learned Standing Counsel further submits that until and unless the State of Andhra Pradesh entrusts work to the 3rd respondent, the 3rd respondent cannot extend the revised wages to the petitioners.

In the counter, it is contended that the Andhra Pradesh Intermediate Board has withdrawn the printing and publishing of text books from the 3rd respondent and because of no work being entrusted to the 3rd respondent by the State of Andhra Pradesh, the 3rd respondent is not in a position to pay revised wages to the petitioners. It is also stated that as per the norms and directions issued by the respective District Collectors, the daily wage workers are being paid wages on the basis of their skills and no differentiation is shown towards the workers engaged for the same work.

Learned Standing Counsel further submits that since the work is drastically reduced in the State of Andhra Pradesh, the 3rd respondent is not in a position to pay the revised wages to the petitioners, therefore, there are no merits and the writ petition is liable to be dismissed.

This Court, having considered the rival submissions made by the parties, is of the considered view that when once the 3rd respondent is continuing the petitioners as Hamalies on daily wages and it is paying the revised wages to the Hamalies who are working in the Head Office at Hyderabad, the same yardstick has to be followed even in respect of the petitioners, though they are working in the

Regional Centres situated in the State of Andhra Pradesh. The respondents cannot discriminate the petitioners from the Hamalies working in the Head Office at Hyderabad. Since the petitioners are being continued as Hamalies in the Regional Centres of the 3rd respondent, the 3rd respondent should extend the revised wages as are being extended to the Hamalies working in the Head Office at Hyderabad. Therefore, the 3rd respondent is directed to pay the revised wages to the petitioners on par with the Hamalies working with the 3rd respondent in the Head Office at Hyderabad, with all consequential benefits.

With the above directions, the Writ Petition is allowed.
No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

8th July, 2019
v v