

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.38404 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 enhanced remuneration of Rs.15,000/- per month to the petitioners, who are working as Data Entry Operators continuously from the date of their respective appointment, by implementing G.O.Ms.No.14 dated 19.02.2016 issued by the Government of Telangana, 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 enhanced remuneration of Rs.15,000/- per month to the petitioners by implementing G.O.Ms.No.14 dated 19.02.2016 issued by the Government of Telangana with effect from 01.01.2016 and continue to pay the same.

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 are working as Data Entry Operators in the Regional Centres of the 3rd respondent – Telugu Academi for the past more than 10 to 12 years and are

discharging their duties to the best satisfaction of their superiors and everyone concerned. 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 at Visakhapatnam, Chittoor and Guntur Districts, respectively. 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. The 3rd respondent has been paying remuneration to its employees as per the Government Orders issued from time to time. Admittedly, the petitioners were initially appointed on contract basis and they are being continued even today on contract basis. The petitioners further submit that the State of Telangana had issued G.O.Ms.No.14 dated 19.02.2016, wherein the State of Telangana has taken a policy decision to enhance monthly remuneration of contract/outsourced employees to Rs.15,000/- from the existing monthly remuneration of Rs.9,500/-, and the same is made applicable to the 3rd respondent. The petitioners further submit that similar employees of the 3rd respondent who are discharging their duties in the territorial jurisdiction of Telangana are being paid Rs.15,000/- per month by extending the benefit of G.O.Ms.No.14 dated 19.02.2016, however, the same is not being extended to the petitioners only on the ground that the petitioners 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 in the service and they are discharging their duties with the 3rd respondent as Data Entry Operators on contract basis, they are entitled for enhanced remuneration of Rs.15,000/- per month in accordance with G.O.Ms.No.14 dated 19.02.2016. Therefore, learned counsel further submits that appropriate orders be passed in the writ petition directing the 3rd respondent to pay enhanced remuneration of Rs.15,000/- per month in terms of G.O.Ms.No.14 dated 19.02.2016.

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 the enhanced remuneration 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 enhanced remuneration 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 remuneration to the petitioners. However, it is admitted that the remuneration to the Data Entry

Operators is being paid as per the Government Orders issued from time to time.

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 enhanced remuneration 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 Data Entry Operators and it is paying the enhanced remuneration of Rs.15,000/- per month to the Data Entry Operators who are working in the territorial jurisdiction of the State of Telangana, the same yardstick has to be followed in respect of the petitioners who are also the employees of the 3rd respondent, though they may be working in the Centres situated in the State of Andhra Pradesh. The respondents cannot discriminate the petitioners from the Data Entry Operators working in the territorial jurisdiction of Telangana region. Since the petitioners are employees of the 3rd respondent, the 3rd respondent should extend the same remuneration as is being extended to the Data Entry Operators working in the territorial jurisdiction of Telangana. Therefore, the 3rd respondent is directed to pay enhanced remuneration of Rs.15,000/- per month to the petitioners in terms of G.O.Ms.No.14 dated 19.02.2016, 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

