

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

AND

THE HON'BLE SRI JUSTICE PULLA KARTHIK

Writ Petition No.40201 of 2012

ORDER : *(Per Hon'ble Sri Justice Abhinand Kumar Shavili)*

This Writ Petition is filed by the petitioner under Article-226 of the Constitution of India seeking a 'Writ of Certiorari' by calling for records relating to the order passed by the Andhra Pradesh Administrative Tribunal (for short, 'the Tribunal'), Hyderabad in O.A.No.3421 of 2009, dated 23.07.2012 and to quash the same.

2. Heard the learned Government Pleader for Services-II, for the petitioners and Mr.M. Venkat Ram Reddy, learned Counsel for the respondent.

3. Learned counsel for the petitioners contended that the respondent was initially appointed as a Driver on daily wage basis vide proceedings, dated 13.11.1986 and was seeking pay protection on par with the candidates who have secured less merit than the respondent. As admittedly, the persons who have

secured less merit were appointed in a regular establishment earlier than the respondent and the respondent was seeking pay protection on par with those less meritorious candidates. The case of the respondent was examined and the same was rejected vide proceedings, dated 17.02.2009. Aggrieved by the same, the respondent has approached the Tribunal by filing O.A.No.3421 of 2009 and the Tribunal vide orders, dated 23.07.2012 was pleased to allow the O.A and directed the petitioners to grant pay protection to the respondent on par with two other candidates who have secured less merit than the respondent without appreciating any of the contentions raised by the petitioners. Therefore, appropriate orders be passed in the writ petition by setting aside the orders passed by the Tribunal in O.A.No.3421 of 2009, dated 23.07.2012 and allow the writ petition.

4. On the other hand, learned Counsel appearing for the respondent contended that the persons who have secured less merit than the respondent were appointed

in the regular establishment and they were drawing more pay than that of the respondent and the Tribunal was justified in allowing the O.A with a specific finding that the persons who have secured less merit than the respondent are drawing more pay and the Tribunal was justified in directing the petitioners to extend pay protection on par with less meritorious candidates viz., Sri K. Bhaskar Rao and Sri P. Pool Singh. Therefore, there are no merits in the writ petition and the same is liable to be dismissed.

5. This Court, having considered the rival submissions made by the parties, is of the considered view that the Tribunal was justified allowing the O.A in favour of the respondent on the ground that the persons who have secured less merit than the respondent are drawing more pay. Therefore, the Tribunal was justified in directing the petitioners to extend pay protection to the respondent. Moreover, a perusal of the record further discloses that the operation of the Tribunal was not suspended by this

Court, which would mean that the order passed by the Tribunal have already been worked out itself. Therefore, this Court is not inclined to interfere with the orders passed by the Tribunal.

6. With these observations, the Writ Petition is dismissed. No costs.

7. As a sequel, miscellaneous applications pending if any in this Writ Petition, shall stand closed.

ABHINAND KUMAR SHAVILI, J

PULLA KARTHIK, J

Date : 08.02.2023
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