

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND
THE HON'BLE SRI JUSTICE PULLA KARTHIK

Writ Petition No.5100 of 2009

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

This Writ Petition is filed by the petitioners 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.992 of 2007, dated 03.11.2008 and to quash the same.

2. Heard the learned Government Pleader appearing for Services-II, for petitioners and Mr. P. Raghavendra Reddy for 1st respondent.

3. Learned counsel for the petitioners contended that the 1st respondent was appointed as a 'Pump Driver' in the Gram Panchayat in the year 1992 and he was claiming the salary from the petitioners from October, 2005 onwards in terms of G.O.Ms.No.169, dated 20.03.1981, when his case was not considered by the petitioners, the 1st respondent has approached

the Tribunal by filing O.A.No.992 of 2007 and the Tribunal vide orders, dated 03.11.2008 was pleased to allow the O.A directing the petitioners to pay salaries to the 1st respondent in terms of G.O.Ms.No.169, dated 26.03.1981 without appreciating any of the contentions raised by the petitioners. Therefore, appropriate orders be passed in the writ petition to set aside the orders passed by the Tribunal in O.A.No.992 of 2007, dated 03.11.2008 and allow writ petition.

4. On the other hand, learned counsel for the 1st respondent contended that the 1st respondent was working as Pump Driver since 1992 in Gram Panchayat and the service of the 1st respondent was regularized from 1992 and the respondent is asking salary in the provisionalized cadre in view of G.O.Ms.No.169, dated 26.03.1981 and the Tribunal was justified in allowing the O.A in favour of the 1st respondent. 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 this Court was pleased to suspend the operation of Tribunal judgment vide orders, dated 03.11.2008. Now we are in the year 2023, therefore we deem it appropriate to dispose of the writ petition in accordance with law by directing the petitioners to examine the case of the 1st respondent to pay salary, if the service of the 1st respondent is already regularized.

6. With these observations, the Writ Petition is disposed of. 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: 19.01.2023
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