

[3330]

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

(Special Original Jurisdiction)

FRIDAY, THE SIXTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY TWO

:PRESENT:

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION NO: 27851 OF 2021

Between:

1. K. Suresh Kumar, S/o K.Ramanaiah, aged about 44 years, Working as Gas Operator at Sri Venkateswara Institute of Medical Sciences, R/o D.No. 4-4-528/a, Nehru Nagar, Tirupati, Chittoor District.
2. K.Sankaraiah, S/o Late Nallaiah, aged about 52 years, Working as Dhobi at Sri Venkateswara Institute of Medical Sciences, R/o D.No.1-59, Elamandyam, Renigunta Mandal, Chittoor District.

Petitioners

AND

Sri Venkateswara Institute of Medical Sciences, Rep. by its Director, Tirupati,
Chittoor District.

Respondent

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue writ, order or orders more particularly one in the nature of Writ of Mandamus declaring the Proceedings Roc.No.DO/03/SVIMS/2014, dated 5.10.2016, issued by the respondent, as illegally, arbitrary contrary to the orders passed by this Hon'ble Court in W.P.No.33814 of 1997 and batch, dated 8.8.2003, finally confirmed by the Hon'ble Apex Court, and unconstitutional, and consequently set aside the same, by holding that the services of petitioners are entitled to be regularized in the category of Class-IV employees, by treating them as Industrial Workers, as per the orders passed by this Hon'ble Court made in W.P.No.33814 of 1997 and batch, dated 8.8.2003, which was finally confirmed by the Hon'ble Supreme Court of India in S.L.P.(C) Nos.5902 2909 of 2014, dated 28.03.2014, with effect from the date of completion of 240 days of service, with all consequential benefits.

IA NO: 1 OF 2021

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the- respondents herein to pay the salary of the petitioners in the minimum time scale of pay of Rs.6,700-20,110/- attached to the last grade service, in the revised pay scales of 2010, pending disposal of the Writ Petition No. 27851 of 2021, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI.M.DELHI BABU Advocate for the Petitioners and of Smt.Marella Radha Advocate for the Respondent, the Court made the following.

ORDER:

The batch of Writ Petitions in W.P.Nos.32836, 33814 & 32952 of 1997 were filed seeking regularization of the services of the petitioners therein and the same was allowed by common High Court at Hyderabad by an Order dated 08.08.2003. Against which, the State has preferred an Appeal vide W.A.Nos.2006, 2216 of 2003 and batch and the said Writ Appeals were dismissed.

Against the dismissal Order, the State has preferred Special Leave Petition © Nos.5902-5909 of 2014 before the Hon'ble Apex Court. The same was dismissed by an order dated 28.03.2014. The State has not implemented the said Order stating that, there is no feasibility of the post to regularize the services of the petitioners and rejected the claim.

Aggrieved by the same, the petitioners have filed W.P.No.30141 of 2017, wherein, by Order dated 04.10.2017, the High Court, at Hyderabad for State of Telangana and State of Andhra Pradesh, directed the respondents to pay minimum time scale to the petitioners therein, in I.A.No.1 of 2017 i.e., (W.P.M.P.No.37560 of 2017) in W.P.No.30141 of 2017 as they are working on par with regular employees, by relying on the Judgment of the Hon'ble Apex Court in "State of Punjab Vs. Jagjit Singh," reported in 2017 SCC 148.

The present Writ Petition is filed to declare the impugned proceedings dated 05.10.2016 as illegal and arbitrary and it is pertaining to the year, 2012, but no counter affidavit has been filed till date. As the matter is relating to payment of salaries to the petitioners in the minimum time scale of pay and as per the Order dated 04.10.2017 passed by the Composite High Court, at Hyderabad for State of Telangana and State of Andhra Pradesh in I.A.No.1 of 2017 i.e., (W.P.M.P.No.37560 of 2017) in W.P.No.30141 of 2017, there shall be a direction to the respondents to pay the minimum time scale to the petitioners,

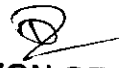
within a period of four (4) weeks from the date of receipt of a copy of the Order.

Office is directed to post the present Writ Petition along with W.P.No.30141 of 2017.

Sd/- K. J. RAJA BABU
ASSISTANT REGISTRAR

//TRUE COPY//

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SECTION OFFICER

To,

1. The Director, Sri Venkateswara Institute of Medical Sciences, Tirupati, Chittoor District. (by RPAD)
2. One CC to SRI.M.DELHI BABU Advocate [OPUC]
3. One CC to Smt.Marella Radha Advocate [OPUC]
4. The Section Officer, Writ (Non-Service) Section, High Court of Andhra Pradesh
5. The Section Officer, Writ (Posting) Section, High Court of Andhra Pradesh
6. One spare copy

SRL

HIGH COURT

TRRJ

DATED:16/09/2022

ORDER

WP.No.27851 of 2021

DIRECTION

