

IN THE HIGH COURT OF JUDICATURE ANDHRA PRADESH  
AT HYDERABAD

FRIDAY THE TWENTYSEVENTH DAY OF SEPTEMBER  
TWO THOUSAND AND THIRTEEN

PRESENT  
**HONOURABLE SRI JUSTICE A. RAMALINGESWARA  
RAO**

WP.No.17307 of 2000, WP.No. 2289 of 2001,  
WP.No. 23413 of 2000 & WP.No. 3669 of 2000.

Between: WP.No. 17307 of 2000

K. Mohan Reddy ... Petitioner

V/s.

The A.P.Industrial Infrastructural Corporation Ltd.,  
6<sup>th</sup> Floor, Parisrama Bhavan, Basheerbagh,  
Hyderabad,  
Represented by its Managing Director,  
Hyderabad & Anr. ... Respondents

Counsel for the Petitioner : Sri Abhinand Kumar Shavili

Counsel for the Respondents: GP for Industries & Commerce  
Sri Janardhan Rao Kotama Raju

Between: WP.No. 2289 of 2001

A.P.Industrial Infrastructure Employees Union  
Bearing Regn. No. B-2572,  
Represented by its General Secretary,  
Ch. Vijay Prasad & Ors. ... Petitioners

V/s.

The A.P.Industrial Infrastructural Corporation Ltd.,  
6<sup>th</sup> Floor, Parisrama Bhavan, Basheerbagh,  
Hyderabad,  
Represented by its Managing Director,  
Hyderabad & Anr. ... Respondents

Counsel for the Petitioners : Sri Abhinand Kumar Shavili

Counsel for the Respondents: Sri P. Ramabhoopal Reddy  
Sri B.P.Mohan, P. Roy  
SC for APIIC  
GP for F & P Labour Employment  
& Training

Between: WP.No. 23413 of 2000

Md. Iqbal Ali & Ors. ... Petitioners

V/s.

The A.P.Industrial Infrastructural Corporation Ltd.,  
6<sup>th</sup> Floor, Parisrama Bhavan, Basheerbagh,  
Hyderabad,  
Represented by its Managing Director,  
Hyderabad & Anr. ... Respondents

Counsel for the Petitioners : Sri Abhinand Kumar Shavili

Counsel for the Respondents: Sri R. Subba Rao  
Sri B.P.Mohan

Between: WP.No. 3669 of 2001

K. Bakkaiah & Ors. ... Petitioners

V/s.

The A.P.Industrial Infrastructural Corporation Ltd.,  
6<sup>th</sup> Floor, Parisrama Bhavan, Basheerbagh,  
Hyderabad,  
Represented by its Managing Director,  
Hyderabad & Anr. ... Respondents

Counsel for the Petitioners : Sri Abhinand Kumar Shavili

Counsel for the Respondents : Sri R. Subba Rao  
Sri Janardhan Rao Kotama Raju  
Sri B.P. Mohan

The Court made the following : [Common Order follows]

**HONOURABLE SRI JUSTICE A. RAMALINGESWARA  
RAO**

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WP.No.17307 of 2000, WP.No. 2289 of 2001,  
WP.No. 23413 of 2000 & WP.No. 3669 of 2000.

COMMON ORDER :

Heard the learned counsel for the petitioners and the learned Standing counsel for the A.P.Industrial Infrastructural Corporation Limited and the learned counsel for the other respondent.

2. As common question of facts and law are involved in all these writ petitions, they were heard together and are being disposed of by this common order.

3. The seven petitioners, who are Assistant Supervisors in the A.P. Industrial Infrastructural Corporation Limited filed WP.No. 17307 of 2000 seeking a writ of mandamus, declaring the action of the first respondent in not implementing the Proceedings

No. 39883/PW/APIIC/E4/87, dated 09-07-1993 and circular dated 19-03-1994 of the first respondent as arbitrary, illegal, discriminatory and violative of Article 14 and 16 of the Constitution of India and for further direction to the first respondent to pay and extend the Revised Pay Scales to the petitioners in terms of the judgment rendered by this Court in WP.No. 8665 of 1995, WP.No. 3299 of 1998 and batch dated 16-09-1999 and pay arrears of the Revised Pay Scales from 01-04-1978 together with interest @12% p.a. and to pass such other suitable orders as this court may deem fit and proper in the circumstances of the case.

4. It is averred in the writ petitions all the writ petitioners possess I.T.I. qualification and they were fully qualified to be appointed as Electrician-cum-Mechanics. They were appointed on different dates and as on the date of the filing of these writ petitions they were working as Assistant Supervisors and put-in a service of nearly 18 years. They fall in the category of Class-IV employees.

5. It is their case that the State Government has set up IV-Pay Revision Commission to recommend the revision of pay

structure and emoluments of different classes of State Government Employees. The Commission has submitted the report in the year 1978 and made its recommendations in respect of the Revision of Pay Scales. The Government has issued G.O. [P] No.235, Finance and Planning [Fin. Wing.PRC-I] Department dated 17-9-1979 adopting the recommendations of Pay Revision Commission. So far as the respondent-Corporation is concerned, it held a meeting and the Board of Directors in its 35<sup>th</sup> meeting on 08-05-1980 have resolved to implement the Revised Pay Scales w.e.f. 01-04-1978 with monetary benefits from 01-03-1979 and D.A. and other allowances as are admissible to the State Government Employees and the corresponding ranks in the Revised Pay Scales. But it appears that contrary to the decision of the Board of Directors, the respondent-corporation has fixed lower pay scales to the category of Class-IV employees. As a result, the Vice-Chairman/Managing Director of the Corporation has constituted a Committee to examine the issue relating to anomaly of the Pay Scales in respect of Class-IV employees. The Committee submitted its report and has recommended for rectification of anomalies in the pay scales. The Vice-

Chairman/Managing Director accepted the recommendations of the Committee and issued Proceedings No. 33883/PW/APIIC/E-4/87, dated 09-07-1993 and decided to implement the Revised Pay Scales of Rs.475-105-640-20-700 of 1978.

6. Challenging the action of the first respondent in not implementing the Pay Scales as per the said proceedings, some employees filed WP.No. 8665 of 1995 and WP.No. 3299 of 1999 and batch in this court and the said writ petitions were allowed by common judgment dated 16-09-1999. The present writ petitioners also claim the same relief as was granted to the petitioners in those writ petitions in their case also.

7. A counter-affidavit has been filed on behalf of the first respondent-corporation broadly admitting the facts stated by the petitioners and took the following stand in para No.16 of the counter-affidavit.

Para No.16 of the counter-affidavit :

*In reply to para 12 of the affidavit, it is submitted that the Corporation filed Review Petitions against the common judgment dated 16-09-1999 in WP.Nos. 8665 of 1995 and its batch and the same are pending before the Hon'ble Court. A few employees of the Corporation, i.e., the petitioners in WP.No. 8665 of 1995 and its batch only filed the WPs and majority of other employees*

*did not object for the rationalization of the Pay Scales by Government/Corporation. In fact, this Hon'ble Court in the common judgment dated 16-9-1999 directed for granting the benefits under the Revised Pay Scales to the petitioners and it is not a general direction. The petitioners cannot compel the Corporation to desist from pursuing the legal course of action open to it and they cannot assume that the Corporation has dodged the entire issue.*

8. A perusal of the stand of the Corporation would show that the benefit was denied to the petitioners solely on the ground that the petitioners did not approach this Court for a similar relief even though they are entitled for the same. The employees of the first respondent-corporation expect motherly treatment from the Corporation but not step-motherly attitude. The first respondent ought not to have driven the petitioners to unnecessary litigation which has been pending in this court for the last 13 years and caused much hardship to them. The first respondent-corporation cannot multiply the litigation when the judgment of this Court in WP.No. 8665 of 1995 and batch dated 16-09-1999 was a well-considered and well-reasoned order. The first respondent-corporation ought to have applied its mind to the facts of the case in implementing the ratio of the said decision to the petitioners also instead of driving them to this Court.

9. It is also brought to my notice that four other employees have filed WP.No. 7565 of 2006 seeking the same relief, which was allowed by this court on 12-11-2010 and the anomalies in the implementation of Revised Pay Scales was rectified in their case also.

10. In view of the undisputed facts of the case and the orders of this court in the above writ petitions, these writ petitions are allowed with costs throughout.

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**JUSTICE A.**

**RAMALINGESWARA RAO.**

27/09/2013  
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**HONOURABLE SRI JUSTICE A. RAMALINGESWARA  
RAO**

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