

Syed Rahmatullah vs State Of Telangana on 21 May, 2026

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HON'BLE SMT.JUSTICE T. MADHAVI DEVI

WRIT PETITION NO. 1878 of 2019

DATE: 21.05.2026

Between:

Syed Rahmatullah

...Petitioner

AND

State of Telangana,
Minorities and Welfare Department,
Secretariat, Hyderabad,
Rep., by its Principal Secretary and Another.

....Respondents

ORDER

In this writ petition, the petitioner is seeking a writ of mandamus or any other appropriate writ or direction declaring the action of the respondent No.2 in not extending the benefit of PRC 1999, 2005, 2010 and 2015 to the petitioner and in insisting to extend the benefit of PRC 2010 only on condition of non-claiming the arrears, as illegal, arbitrary and violative of Article 14 of the Constitution of India and consequently to direct the respondent No.2 to re-fix the salary as per PRC 1999, 2005, 2010 and 2015 and to pay the difference in salary and to pass such other order or orders.

2. Brief facts of the case leading to the filing of the present writ petition are that the petitioner was appointed as Instructor for fitting section in Dargah Hazarat Syed Sadullah Hussaini, Industrial Training Institute (ITI) at Nizamabad, on a consolidated salary of Rs.400/- vide proceedings dated 10.02.1982 and when the petitioner was not being paid salary from July, 1997 to 31.07.2000, the petitioner filed a W.P.No.19643 of 2000 and the same was disposed of on 18.10.2000 and thereafter, respondents issued an order in F.No.138/L4(a)/NZB/2000, dated 13.11.2000. Thereafter, all the employees of ITI filed a writ petition seeking a direction for re-fixation of scales as per PRC 1993 and an interim order dated 25.09.1995 was passed, pursuant to which, the Waqf Board has examined the matter and fixed the basic pay of the petitioner at Rs.2,195/-. It is submitted that though PRC of 1999, 2005 and 2010 came into effect thereafter the respondent No.2 has not revised the pay of the petitioner in terms of new PRC and the petitioner retired from service on 30.09.2017 and questioning the action of the respondents in not revising the pay as per respective PRCs, the present writ petition has been filed.

3. Learned counsel for the petitioner submitted that the respondents had agreed to extend the benefit of PRC of 2010 to the petitioner subject to his giving an undertaking that he will not claim arrears of pay.

4. The learned standing counsel appearing for Waqf Board has relied on the averments in the counter affidavit stating that the appointment of the petitioner was purely temporary and was liable for termination at any time if found unfit. It is stated that the petitioner and nine others filed W.P.No.18956 of 1994, wherein the Court passed orders dated 25.09.1995, directing the respondents to pay the salaries to the petitioner and others on par with the staff of Government run Industrial Training Institute from the month of October, 1994. However, some of the employees had given undertaking accepting the proposals of Waqf Board to have fixation of pay as per PRC 1993 w.e.f. 01.04.1996 instead of fixation of pay from the month of October 1994 and they also agreed to withdraw the pending litigation in the Court i.e., W.P.No.18956 of 1994 and Contempt Case No.1252 of 1996 and accordingly, the services of the petitioner and other employees were regularized in PRC 1993, w.e.f. 01.04.1996 and the matter was placed before the Board and after careful examination, the Board accepted the undertaking submitted by the employees to settle the matter and passed the orders to introduce the PRC 1993 to the employees of ITI at minimum of pay scale w.e.f. 01.04.1996. It is stated that ITI Nizamabad was wound up in the year 2000 due to non-availability of students in the institution and all the staff of ITI, except the petitioner, was posted to Dargah Hazarat Syed Sadullah Hussaini, Nizamabad, under the District Revenue Officer, Nizamabad. The petitioner approached the Board for issuing posting orders and he was directed to withdraw the W.P.No.18956 of 1994 unconditionally so as to consider his request for posting and accordingly, he has withdrawn the said writ petition and when the matter was under consideration, he filed W.P.No.19643 of 2000, wherein the Court directed the Board to consider the petitioner's representation dated 27.07.2000 on merits and dispose of the same within the prescribed period and in compliance thereof, the petitioner was posted as Instructor in the Head Office of the then Andhra Pradesh State Waqf Board and was directed to report before the Chief Executive Officer for accommodating him in any branch in the Head Office. However, on the ground that there were allegations against the petitioner, the posting order was kept in abeyance. It is submitted that vide representations dated 03.01.2011 and 07.01.2011, the petitioner and another person has made request to implement the PRC 1999, 2005 and 2010 with all consequential benefits on par with the Waqf Board employees, their request was considered and the matter was placed before the Administrative Committee, who unanimously recommended vide resolution No.83/2012, dated 19.10.2012, that their plea to come under PRC 1999, 2005 and 2010 cannot be considered, but their services have been utilized in the Waqf Board Headquarters at Hyderabad, special allowance of subsistence in respect of the petitioner Sri.Syed Rahmathullah, Junior Assistant and Sri.Syed Sajid Ali, Junior Assistant @ Rs.3,000/- per month per head was recommended and the Board unanimously resolved to accept the recommendation and therefore, the petitioner and another employee were sanctioned Special Allowance of subsistence @ Rs.3,000/- per month per head. It is submitted that subsequent to the above, the petitioner and another employee made continuously representations for implementation of PRC 1999, 2005 and 2010 and that the respondent issued a memo dated 21.04.2016 directing them to submit consent letter/undertaking duly notarized in token of acceptance of PRC-2010 from the date of implementation i.e., the date of proceedings in case of consideration and not to claim any arrears or other monetary benefits of PRC 1999 and 2005 in future and they were also directed to submit withdrawn copy of the writ petition filed before this Court. However, the petitioner and others have submitted their non-acceptance letter and sought implementation of PRC 1999, 2005, 2010 and 2013 with all consequential benefits and the Board has passed a resolution No.232, dated 14.06.2017, unanimously resolving to refer the matter to Administrative Committee to examine the

matter in detail and the decision of the Administrative Committee is pending. In the meanwhile, the petitioner retired from service on attaining the age of superannuation on 30.09.2017 and all the consequent retirement benefits i.e., Gratuity and EL encashment was also sanctioned to the petitioner vide Proceedings dated 02.08.2018 under PRC 1993. As regards the recommendation of Audit Officer, dated 20.05.2014, it is stated that it is for the Waqf Board to take a decision and not the Audit Officer. He therefore, prayed to dismiss the writ petition.

5. Learned counsel for the petitioner while reiterating his submissions made in the writ affidavit, also placed reliance upon following decisions in support of his contentions:

(1) Jharkhand Retired University Teachers Association Vs. State of Jharkhand 1;

(2) Akshey Goel Vs. Lt.Governor of Delhi 2.

6. Having regard to the rival contentions and the material on record, this Court finds that the petitioner is seeking extension of PRCs of 1999, 2005, 2010 and 2015. It is found that the salaries of the employees in the Waqf Board are not paid by the 1 2021 (3) JBCJ 46 2 1987 (3) SLR 734 Government. The Waqf Board is an independent authority and the salaries paid by it are from the funds generated by it. Therefore, it cannot be said that the PRCs are automatically applicable to the employees of the Wakf Board. The PRC shall have to be approved by the Board for their applicability to the employees. It is noticed that after PRC 1993, further PRCs have not been accepted by the respondents and it is on the request of the petitioner and another person that special Subsistence allowance was paid to them. Further, the petitioner also has not made any request for implementation of PRCs of 1999, 2005, and 2010 during his service period, but has filed this writ petition after his retirement. The decisions relied upon by the learned counsel for the petitioner are distinguishable on facts and therefore, they are not applicable to the case before this Court. However, since it is stated by the respondents that the issue is pending before the Administrative Committee of the Board, the respondents are directed to take a decision in this matter at the earliest and communicate the decision to the petitioner expeditiously, preferably within a period of four (4) months from the date of receipt of a copy of this order.

7. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

8. Miscellaneous petitions, if any, pending in this writ petition, shall stand closed.

JUSTICE T.MADHAVI DEVI Date: 21.05.2026 bak THE
HONOURABLE SMT JUSTICE T.MADHAVI DEVI WRIT PETITION NO. 1878 of 2019 DATE:
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