

HON'BLE SRI JUSTICE S. RAVI KUMAR

WRIT PETITION No.1671 of 2003

ORDER:

This writ petition is filed challenging Award dated 03.07.2002 in ID No.149 of 1999 on the file of Labour Court, Anantapur.

2. Second respondent herein approached Labour Court, Anantapur challenging action of the Depot Manager, APSRTC, Kuppam in not sanctioning Graduate increment to one Sri M. Manohar, conductor working under Employment No.502247. The objection of Corporation is that conductor Manohar qualified himself for the postgraduate degree of M.A. and passed the said course in the examination held in the year 1995 from Sri Venkateswara University, Tirupati, but as per the circular No.PD 90/91 dated 14.10.1991, employees are entitled for graduate allowance only those who possess basic degree like B.A., B.Com., B.Sc., and as petitioner directly passed M.A. degree he is not entitled for the said allowance. Labour Court on a consideration of the material before it including the orders of this Court in W.P.No.19210 of 1991 dated 25.11.1991 negatived the objection of petitioner herein and directed petitioner to release graduate allowance to the second respondent herein from the date of obtaining post graduation degree i.e., from December 1995 with consequential arrears. Challenging the said award, present writ petition is filed.

3. Heard arguments.

4. Advocate for petitioner submitted that as per the circular, those who passed degree like B.A., B.Com., B.Sc., and acquired degree before 09.10.1985 are alone entitled for grant of graduate

increment. But here, petitioner has directly obtained M.A. degree, that too, in the year 1995, therefore he is not entitled for any graduate allowance. The very same objection was raised before Labour Court. Labour Court after considering the material and as the post graduation degree is above the graduate degree, and that Depot Manager, Kuppam granted increments to various employees those who obtained degree certificates subsequent to cut off date of 9.10.1985 held that second respondent herein is also entitled for graduate increment.

5. As seen from the material, the fact that Depot Manager, Kuppam granted increments to various employees who obtained degree certificates subsequent to the cut off date were also granted increments. Therefore, the contention with regard to cut off date cannot be sustained.

6. The other contention of petitioner is that as the petitioner has directly obtained M.A. degree and as the circular only disclose that employees who passed basic degree like B.A., B.Com and B.Sc are alone entitled for graduate increments. It is not the case of petitioner that the circular prohibits a person who obtained post graduate degree through distant education nor that person holding post graduation degree is disqualified for such additional graduate increment and the circular only indicate that employees possessing basic degree like B.A., B.Com., and B.Sc., are entitled for additional graduate increment. A person who obtained post graduation degree, which is higher than a degree cannot be denied such benefit of additional graduate increment. If such denial is made to a postgraduate holder on the ground that he is over qualified, it amounts to showing discrimination between a graduate and a postgraduate. Labour Court has rightly directed petitioner to

grant graduate allowance to the second respondent herein and it has not committed any illegality nor there is any violative of principles of natural justice to be interfered by this Court by invoking writ jurisdiction.

7. For these reasons, I am of the view that this writ petition is devoid of merits and liable to be dismissed.

8. Accordingly, the Writ Petition is dismissed. No costs. Miscellaneous Petitions pending in this writ petition, if any, shall stand closed.

S. RAVI KUMAR, J

Date: 17-12-2015.

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