

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.P.No.2225 of 2004

ORDER :

Heard Sri P.B. Vijay Kumar, counsel for petitioner and the learned Government Pleader for Higher Education for respondent Nos.1 and 2. None appears for 3rd respondent, in spite of service of notice to 3rd respondent.

2. The petitioners herein are working as Non-Teaching Staff (Vocational) at the 3rd respondent-College, having joined the said Institution between 1982-85. According to petitioners, the 3rd respondent is an aided institution and the posts in which the petitioners were appointed were admitted to grant-in-aid w.e.f. 01.04.1994, and since then petitioners are drawing aided salary from Government through 3rd respondent.

3. According to petitioners, on completion of eight years of service i.e., w.e.f. 01.04.2002 they are entitled to Special Grade Scales.

4. The petitioners further contend that 3rd respondent had submitted necessary proposals along with their service registers and other connected records for fixation of eight years Special Grade Scales in Revised

Pension Scheme, 1999 to 2nd respondent's office on 04.12.2002; that it was acknowledged by the Office of 2nd respondent on 07.12.2002, but sanction orders were not issued by 2nd respondent forcing the petitioners to file this Writ Petition in February, 2004; that issue of their pay fixation for grant of Special Grade Scales is pending before the Office of 2nd respondent for a period of fifteen months thereby causing them substantial loss and injury; and that they have also lost the right of encashment of Earned Leave and this violates Articles 14 and 21 of the Constitution of India.

5. The petitioners have also sought an interim direction to respondent Nos.1 and 2 in WPMP.No.2934 of 2004 in WP.No.2225 of 2004 dt.09.02.2004, to take a decision on the proposals submitted by 3rd respondent on 04.12.2002 in this regard, which was also followed by reminders dt.14.09.2003, 26.12.2003 and 24.01.2002 and also on the representation of petitioners dt.19.11.2002 and 24.01.2004.

6. On 09.02.2004, the Writ Petition was admitted and interim direction was granted in WPMP.No.2934 of 2004.

7. Counter-affidavit was filed by respondent Nos.1 and 2 admitting that petitioners were working in 3rd respondent-College and that the Special Officer of 3rd respondent-College, who took charge on 01.03.2004 had

re-submitted the proposals for appointment in Special Grade Post to petitioners on completion of eight years of service; that Correspondentship of one Sri B. Dwarknatha Swroop and Sri B. Raja Gopalaiah were rejected on the ground that they were unqualified to hold the post of Principal and the proposals sent by them were also rejected on the ground that they were not recognized as Correspondent/Secretary or Principal; that petitioners have no statutory rights and cannot complain of violation of Article 14 of the Constitution of India; that Grant-in-Aid is released to the Management of College and not to individuals directly; that sanction orders of Special Grade Scales to petitioners were issued by 2nd respondent by Proc.Rc.No.1648/A3/2004 dt.25.03.2004; that they were handed over to the Special Officer for preparation of Supplementary Annual Salary statement for approval and return; but the Special Officer, existing in the place of Management as on that date or the Correspondent/Management subsequently, did not submit the same to the office of 2nd respondent. Copies of the said proceedings have also been enclosed to the counter-affidavit.

8. Having regard to the said stand taken by 2nd respondent, the Writ Petition is disposed of directing 3rd respondent to submit to 2nd respondent the Supplementary Annual Salary statement in relation to

petitioners, having regard to the sanction orders passed by 2nd respondent for grant of Special Grade Scales to petitioners vide his proceedings dt.25.03.2004 within a period of four (04) weeks from the date of receipt of a copy of receipt of this order; on such submission by 3rd respondent, after approval, consequential orders shall be passed by 2nd respondent within a further period of four (04) weeks and the same shall be communicated to 3rd respondent as well as to petitioners.

9. The Writ Petition is disposed of with the above directions. No order as to costs.

10. As a sequel, miscellaneous petitions pending, if any in this Writ Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 22-01-2015

Ndr/*