

THE HON'BLE SRI JUSTICE DILIP B.BHOSALE

AND

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT APPEAL Nos.682 of 2010, 1393 of 2011 & 714 of 2012

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JUDGMENT: (per the Hon'ble Sri Justice A.Ramalingeswara Rao)

These Writ Appeals are being disposed of by this common order in view of the common issue involved in all these appeals. W.A.No.682 of 2010 and W.A.No.1393 of 2011 arise out of a common order dated 19.04.2010 passed in W.P.No.17205 of 2009, W.P.No.17188 of 2009 respectively and W.A.No.714 of 2012 arises out of order dated 21.04.2010 passed in W.P.No.17358 of 2009. The learned Single Judge, by common order dated 19.04.2010, disposed of 7 Writ Petitions including the above Writ Petitions, W.P.No.17205 of 2009 and W.P.No.17188 of 2009.

2. The respondents herein joined the appellant Society's upgraded institutions, on various dates and have been working as Principals on the date of filing of the Writ Petitions. Under the appellant Society, there are 116 upgraded institutions, 6 independent junior colleges and 55 residential schools. In respect of upgraded institutions, which is a composite unit of school and junior college the eligible Post-graduate Teachers were promoted as Principals and they have been holding the said post. The upgraded institution runs classes from V class to II year intermediate. When it was noticed that the Principals of the independent junior colleges were drawing more salary than the Principals of upgraded institutions, the appellant Society addressed a letter to the Government of Andhra Pradesh for equalisation of scales of pay of Principals of upgraded institutions on par with the Principals of junior colleges. The Government issued G.O.Ms.No.149, Finance (SMPC) Department, dated 07.06.2008, resolving to upgrade 171 posts of Principals to that of junior college Principals of the appellant Society. Consequently amendments were made in

the service rules of the Society. However, in respect of 24 Principals, who were undergoing punishment of stoppage of increments or censure or facing various disciplinary proceedings, the appellant Society addressed a letter on 25.06.2009 to the Government with regard to the treatment of those Principals for extending the benefit of scale of pay of Principals of junior colleges. The respondents in all these appeals were facing the disciplinary proceedings and therefore their scale of pay admissible to the Principals of junior college was not extended. Challenging the same, the respondents filed above Writ Petitions for placing them on par with the junior colleges and for extension of the scale of pay admissible to them. The learned Single Judge, by common order dated 19.04.2010, allowed the Writ Petitions with a direction to the appellant Society to extend the benefit of upgradation to the respondents herein in terms of G.O.Ms.No.149 dated 07.06.2008 without reference to the disciplinary proceedings initiated against them and pass appropriate orders. Challenging the said order, the present appeals were filed by the Society.

3. At the hearing of the present appeals, it is brought to the notice of this Court that the appellant Society passed orders extending the benefit of upgradation to the respondents in the appeals in terms of G.O.Ms.No.149 dated 07.06.2008. It is submitted by the learned counsel for the respondents that regular orders were issued in respect of the respondents in W.A.Nos.682 of 2010 and 714 of 2012, whereas in respect of respondent in W.A.No.1393 of 2011, it was stated that the said orders would be subjected to the further orders in W.A.No.1393 of 2011.

4. The learned Standing Counsel appearing for the appellant Society fairly submitted that in view of the subsequent orders passed by the Society, nothing survives for adjudication in the present Writ Appeals.

5. Recording the said statement of the learned Standing Counsel for the appellant, we dispose of these appeals as not pressed. Miscellaneous petitions pending, if any, in these Writ Appeals stand disposed of. There shall be no order as to costs.

DILIP B.BHOSALE, J

A.RAMALINGESWARA RAO, J

Date: 30.03.2015

TJMR