

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

And

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

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WRIT PETITION No.31932 of 2013

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ORDER: (per Hon'ble Sri Justice Ramesh Ranganathan)

This Writ Petition is preferred against the order passed by the Andhra Pradesh Administrative Tribunal in O.A.No.4243 of 2007 dated 16.06.2010. The said O.A.No.4243 of 2007 was dismissed, along with O.A.No.7635 of 2006 and batch, on the ground that a similar batch of Original Appeals were disposed of by the Tribunal by order in O.A.No.430 of 2007 and batch dated 10.09.2007.

Dr.K.Lakshmi Narasimha, learned counsel for the petitioner, would place reliance on the memo dated 16.07.2001 in support of his submission that all those employees who worked as part-time Junior Lecturers prior to 1993 are entitled for being granted the time scale of pay, even though they may not be entitled to seek regularization of service as they have not put in five years of service prior to 25.11.1993.

Learned Government Pleader for Services would, however, contend that the requirement of the said memo dated 16.07.2001 is that the employee should be in service as on 25.11.1993, and not prior thereto. The condition prescribed in the memo dated 16.07.2001 is "***they should be in service prior to 25.11.1993***". It is the petitioner's case that he was initially appointed on 31.10.1992 and worked upto 28.02.1993; and he was, thereafter, appointed on 01.07.1994. The question whether a person, who is not in service as on 25.11.1993, is entitled to be extended the benefit of the memo dated 16.07.2001 is a matter which ought to have been examined by the Tribunal.

It does appear that the Tribunal has disposed of the said O.A. without considering this issue merely on the basis of the submission made by the

Learned Government Pleader that the subject matter of the Writ Petition was covered by its earlier order. We consider it appropriate, in such circumstances, to set aside the order of the Tribunal, and remand the matter for its consideration afresh and in accordance with law. O.A.No.4243 of 2007 is restored to file and the Tribunal shall decide the same with utmost expedition.

The Writ Petition is disposed of accordingly. Miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

RAMESH RANGANATHAN, J

M.SATYANARAYANA MURTHY, J

01st April, 2015.

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