

THE HON'BLE SRI JUSTICE DILIP B.BHOSALE

AND

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT APPEAL No. 300 of 2015

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PC: (per the Hon'ble Sri Justice Dilip B.Bhosale)

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This writ appeal is directed against the order, dated 23.06.2014, passed in W.P.No.2607 of 2003 filed by the respondents seeking declaration that they are entitled for a particular pay scale and the consequential benefits.

A writ petition, bearing No.21341 of 1999, was filed by similarly placed persons, namely Lab Attendants/Lab Attenders and the said writ petition was disposed of by learned Single Judge *vide* order, dated 07.08.2009. The relevant observations in the order, dated 07.08.2009, read thus:

"It appears that the petitioners in this case were denied the benefit extended to those who were appointed after them only on the ground that Government sanction was required. In fact, the Government of Andhra Pradesh was not a party to the writ petitions filed by the others who were similarly situated but the benefit was extended to them after concurrence was obtained by the University from the Government. In the present case, the Government of Andhra Pradesh is a party and has not chosen to file a counter rebutting the claim put forth by the petitioners. In such circumstances, I do not see any justifiable reasons to deny the petitioners the benefit which was extended to those subsequently appointed, such as P.Venkateswara Sarma. The petitioners stand on the same footing as the writ petitioners in W.P.Nos.4013 of 1988 and 26232 of 2000 and there is no rationale in denying them the benefits extended to the petitioners therein. This case is squarely covered by the judgment of this Court in W.P.No.4013 of 1988, which was affirmed in appeal.

The writ petition is accordingly allowed directing the respondents to award the pay scale of Rs.410-625 as per the RPS-1978 to the petitioners in the category of Lab Attendants in the service of the first respondent University with effect from the date of their initial appointments and re-fix their pay accordingly. The petitioners shall be entitled to all consequential benefits including arrears of salary. This exercise shall be completed within a period of three months from the date of receipt of a copy of this order.”

Having noticed the aforementioned observations made by learned Single Judge in the order, dated 07.08.2009, W.P.No.2607 of 2003, filed by the respondents, was allowed declaring that the petitioners are entitled to the pay scale as prayed for with all consequential benefits including the arrears of salary in the category of Lab Attendants in appellant No.1-University with effect from the date of their initial appointment and that their pay should be re-fixed accordingly.

Learned counsel appearing for the appellants-University, on instructions, submits that the appellants are prepared to implement the order, dated 23.06.2014, passed by the learned Single Judge, impugned in the present writ appeal. He submits that the appellants have already addressed a communication to the Government for seeking permission to award the pay scale as per the impugned order.

Learned Government Pleader appearing for the State submits that they will consider the case of the respondents in the instant appeal on par with petitioners in W.P.No.21341 of 1999 and shall extend the similar benefits to them. His statement is recorded and accepted.

In the circumstances, we do not find any reason to keep this writ appeal pending any further. We, therefore, dispose of the writ appeal with direction to the State of Telangana to take appropriate decision on the request made by the University *vide* their communication, dated 02.12.2014, at the earliest, and in any case within a period of three months from today. Consequently, the time granted by the learned Single Judge for implementing the order is also extended for a period of three months from today.

Consequently, miscellaneous petitions, if any, also stand disposed of.

DILIP B.BHOSALE,J

A.RAMALINGESWARA RAO,J

Dt:16.04.2015

kdl