

HON'BLE SRI JUSTICE R. KANTHA RAO

W.P.No.25402 of 2015

ORDER:

This writ petition is filed seeking to declare the action of the respondents in not adding the increments to the pay of the petitioner as required under Regulation 11 of (Pay and Allowances) Regulations, 1964, as illegal and arbitrary.

The issue involved in the present writ petition is identical to the one which fell for consideration before the learned Single Judge of this Court in WPMP No.17204 of 2010 in W.P.No.17728 of 2003, wherein it was observed as under:

“However, pursuant to the interim order passed by this Court on 25.08.2003, the writ petitioner is continuing in service as of now as an Assistant Grade-III. So long as he is discharging the functions as Assistant Grade-III to the Food Corporation of India, he is, under law, entitled to receive the salary and allowances attached to the said post. If the salary and allowances have since been revised, it is only fair that the revised salary and allowances payable to the holder of the post of the Assistant Grade-III should be extended to the writ petitioner as well. The fact that the above writ petition is pending consideration in this Court or the fact it is alleged that the petitioner has produced a bogus social status certificate, cannot be factors for denying him the right to receive the pay attached to the post of Assistant Grade-III. If pay is revised, it is the revised pay which becomes payable. If all other Assistants Grade III are paid, pay and allowances in the revised scales of pay, the petitioner alone cannot be denied such a benefit.”

In view of the same, the writ petition is disposed of in terms of the ratio laid down by the learned Single Judge in the aforementioned case. However, the petitioner is directed to

submit a representation to the respondent-Corporation and on submitting such representation, the respondent-Corporation is directed to fix the revised pay attached to the post which the petitioner is now holding. No costs.

Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE R. KANTHA RAO

6th October, 2015

rkk