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ORDER:- (per Hon'ble Sri Justice G. Chandraiah)

The assertion of the petitioner-applicant is that he filed O.A.No. 4326 of 2014 before the Andhra Pradesh Administrative Tribunal, Hyderabad (for brevity "the Tribunal") seeking to declare the action of the respondents in not paying his arrears of salary by fixing his pay as per the revised pay scales issued from time to time by disposing of his representation dated 21.04.2014, and the Tribunal, by order dated 21.07.2014, while dismissing the O.A., referred to another application in O.A.No. 365 of 2005 wherein the respondents were directed to release the increments of the applicant herein during the period of suspension prior to dismissal and from the date of dismissal to the date of reinstatement. While so, it is stated that the petitioner made several representations, the latest being dated 21.04.2014, requesting the authorities to comply with the order of the Tribunal in O.A.No. 365 of 2005 by paying all benefits including his P.R.C. 2005 & 2009 in his salary and the Deputy Secretary to Government, vide Memo dated 24.04.2014, sent it to the Commissioner, G.H.M.C. for

taking appropriate action as per rules, and subsequently, the petitioner was paid only certain amounts and not all benefits, however the 1st respondent has neither considered his representation nor passed appropriate orders thereon. Challenging the action of the respondents, the petitioner instituted O.A.No. 4326 of 2014, and now, his grievance is that the Tribunal, by the impugned order dated 21.07.2014, while dismissing the O.A. held that the petitioner cannot seek the same relief which was already granted in his favour in O.A.No. 365 of 2005. Being aggrieved by the order of the Tribunal, the present writ petition is filed.

The learned counsel for the petitioner has contended that dismissal of O.A.No. 4326 of 2014 by the Tribunal without considering the reasonability of the relief sought for by the petitioner is contrary to law, as such, he prays to allow the writ petition.

On the other hand, the learned Government Pleader for Municipal Administration and Urban Development appearing for the 3rd respondent has submitted that the Tribunal was right in dismissing O.A.No. 4326 of 2014 because the relief sought for by the petitioner in this writ petition has already been granted in his favour by virtue of the orders passed in O.A.No. 365 of 2005, as such, the writ petition is liable to be dismissed.

The Tribunal, by order dated 15.07.2009 in O.A.No. 365 of 2005 along with M.A.No. 566 of 2006, made the

following observation:

“The applicant is entitled to release of increments during the suspension period and from the date of dismissal till the date of reinstatement into service along with the Revised Pay Scales, pending finalization of the disciplinary proceedings. In view of the orders passed by the Tribunal, setting aside the dismissal orders, the applicant is entitled to fix his pay under the Revised Pay Scales. Hence, there shall be a direction to the respondents to release the increments of the applicant herein during the period of suspension prior to dismissal and from the date of dismissal to the date of reinstatement. The said exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order. The O.A. is accordingly allowed. MA is allowed”.

As could be seen from the operative portion of the extracted order, the respondents shall comply with the direction to release the increments of the applicants. As they have not complied with the directions, the petitioner filed C.A.No. 286 of 2010 and the Tribunal closed the application stating that certain directions were satisfied by the 1st respondent. According to the petitioner, only increments during the suspension period prior to dismissal and from the date of dismissal to the date of reinstatement have been released, but his grievance is that his pay in Pay Revision Commissions 2005 and 2009 has not been fixed, and this fact has not been controverted by the respondents, as such, the order of the Tribunal in O.A.No. 365 of 2005, in our considered view, has not been complied with in entirety. The petitioner is no longer in service. Under these circumstances and inasmuch as the representation dated 21.04.2014 said to have been made

by the petitioner is pending consideration before the authorities concerned, we are inclined to dispose of the writ petition with the following direction:

“The impugned order dated 21.07.2014 passed by the Tribunal in O.A.No. 4326 of 2014 is hereby set aside, and consequently, the respondents-authorities are directed to consider the representation dated 21.04.2014 said to have been made by the petitioner and pass appropriate orders thereon in accordance with law within a period of two months from the date of receipt of a copy of this order.”

With the above direction, the writ petition is disposed of. No order as to costs.

As a sequel to the disposal of the writ petition, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

G. CHANDRAIAH, J

11.02.2016

U.DURGA PRASAD

RAO,J

bcj