

THE HON'BLE SRI JUSTICE S. RAVI KUMAR

WRIT PETITION No.1653 of 2003

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Date:03.02.2016

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Between:

G. Seshavendra Rao

... Petitioner.

AND

The government of Andhra Pradesh and others.

...Respondents.

The Court made the following :

THE HON'BLE SRI JUSTICE S. RAVI KUMAR

WRIT PETITION No.1653 of 2003

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ORDER:

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This writ is filed seeking direction particularly by way of mandamus declaring action of respondents in allowing only pay scale of Rs.1100-2050 instead of allowing the pay scale of Rs.1810-3250 in the revised pay scales with effect from the date of appointment i.e., from 23-01-1986 in the category of Librarian in the third respondent-college in the revised pay scales of 1993 in terms of G.O.Ms.No.266, Finance & Planning, dated 31-12-1997.

2. Petitioner herein was appointed as LDC-cum-Librarian on 06-02-1981 in third respondent-college. While so, a notification was issued for filling up the posts of Librarian, LDC and Attenders on 23-

04-1985 and in pursuance of the said notification, petitioner applied for the post of Librarian as in- service candidate. Departmental Promotion Committee considered the case of the petitioner as a in-service candidate along with the other candidates, recommended for the promotion of petitioner as Librarian and governing body of the third respondent promoted the petitioner with effect from 23-01-1986. According to petitioner, he fulfilled all the requisite qualifications as per G.O.Ms.No.248, Education Department, dated 16-04-1984 to the post of Librarian as he possessed Post Graduate Diploma in Library Science and that he is entitled for the monetary benefits in terms of G.O.Ms.No.248, dated 16-04-1984. Petitioner contended that according to the said G.O., the UGC pay scales are to be given to person possessing Post Graduate Diploma in Library Sciences and as petitioner is possessing with such qualifications, he is entitled for the same and the action of the respondents in not applying the said G.O., is discriminatory arbitrary and that the petitioner is entitled for the relief claimed.

3. Respondents disputed the claim of petitioner and according to counter affidavit, the petitioner having been appointed as LDC during 1981 and promoted as Librarian in 1986, cannot take shelter as to the orders that were issued prior to 1972. It is further contended that as per G.O.Ms.No.491, Education dated 16-11-1984 scale of Rs.700-1600 is extended to the Librarians and Physical Education personnel working in affiliated colleges both Government and Aided, subject to fulfilment of qualifications, like possessing First or Second Class B.A/B.Com./B.Sc., with Second Class M.Li.Sc., or M.A/M.Sc./M.Com., with at least Second Class B.Sc., or Diploma in Library Science. It is also contended that the claim of the petitioner for scale of Rs.2600-5580 is for Librarian in Grade-I. It is further contended that G.O.Ms.No.258 dated 20-01-1971 is the relevant

G.O., for promotion and the respondents, on consideration of all the G.Os applicable to the petitioner, fixed the scale and that the petitioner cannot claim higher scale and that the writ is devoid of merits.

4. Heard arguments.

5. Advocate for writ petitioner submitted that the corresponding scale in the revised pay scales of Librarian is Rs.1100-2050, which is under item No.26 of the pay scales relating to Higher Education Department and the petitioner was given the same scale as against the claim of Rs.1810-3250.

6. As per G.O.Ms.No.491, Education dated 16-11-1984 for getting scale of Rs.1810-3230 one must possess First Class or Second Class Degree with Second Class Degree in Post Graduation besides Diploma in Library Science. Admittedly, petitioner is not having Second Class Post Graduate Degree, therefore, he cannot claim the pay scale of Rs.1810-3250 as he is not fulfilled all the requirements of the G.O. Now at the time of argument, learned counsel for the petitioner represented that subsequent to filing of this writ, Government has issued G.O.Ms.507, dated 10-06-2004 accepting the recommendations of Anomalies Committee and at least the respondents may be directed to examine the case of the petitioner and consider whether he is entitled for any benefits under G.O.Ms.No.507 dated 10-06-2004.

7. Considering the submissions of Advocate for the writ petitioner, writ petition is disposed of directing the respondents to consider whether petitioner is entitled for any benefits under G.O.Ms.No.507 dated 10-06-2004 and if he is found eligible, extend the benefits of that G.O., and issue appropriate orders as

expeditiously as possible, preferably within four months from the date of receipt of this order.

8. With this observation, writ petition is disposed of.

No costs.

9. As a sequel, miscellaneous petitions, if any, pending in this writ petition, shall stand dismissed.

JUSTICE S. RAVI KUMAR

Date:03.02.2016

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