

THE HON'BLE SRI JUSTICE G.CHANDRAIH
AND
THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

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W.P.NOS.24785 OF 2004 AND 3060 OF 2005

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COMMON ORDER (Per GC,J)

Heard both the counsel.

2. Since the issue is common and the writ petitions arise out of the common order passed by the Andhra Pradesh Administrative Tribunal at Hyderabad in O.A.Nos.61 and 62 of 2002 dated 17.9.2004, they are being disposed of by this common order.

3. The petitioners in both these writ petitions joined in service as Junior Assistants in the respondent - Police Department during the years 1966 and 1967 respectively. While in the cadre of Junior Assistants, on completion of ten years, they were given Special Grade Post Scale and further on completion of fifteen years of service, they were given Special Promotion Post –I Scale. Subsequently, when the posts of Senior Assistants fell vacant, they were promoted. After completion of eight years of service in the category of Senior Assistants, they claimed for special grade post scale under automatic advance scheme. The claim of the petitioners was rejected by the Tribunal and hence the present writ petitions.

4. The petitioners enjoyed the benefit of automatic advancement scheme in the lower category i.e., in the post of Junior Assistants and again their claim of similar benefit in the promotion post cannot be said to be justified and it is worth noting the reasoning of the learned Tribunal in rejecting their claim as under:

“The question for consideration is whether an employee would be eligible for the automatic advance scheme as well as special promotion post in all the cadres through out his service?

The intention of the automatic advancement scheme / special promotion post is to avoid heart burning of the employees who are unable to get even one

promotion during their service. Therefore, giving the benefit to the employees in the initial category to which they are appointed in case of stagnation may be justified. But once an employee receives the benefit of the automatic advancement scheme in the lower category and his pay also is fixed in the higher category based on the benefit he derived in the lower category by the automatic advancement scheme, the claim that through out the service even after getting a normal promotion once would still be eligible to claim benefits under the automatic advancement scheme is not just and reasonable. It goes beyond obviating the hardship and heart burning.”

5. The learned counsel for the petitioners could not make out any ground or produce any material in support of the claim of the petitioners for claiming the benefit of automatic advancement scheme both in the lower category and also in the next category of promotional post. Therefore, for the reasons recorded by the Tribunal, we do not find any reason to interfere with the same.

6. The writ petitions are devoid of any merit and they are accordingly dismissed. No costs.

7. Miscellaneous petitions pending if any, shall stand closed.

G.CHANDRAIAH,J

U.DURGA PRASAD RAO,J

DATE: 19 --01—2016

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