

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
HON'BLE SRI JUSTICE M.S.K.JAISWAL

WRIT PETITION No.6248 of 2016

Date:26.02.2016

Between:

K.Rama Prasada Rao
and two others.

....Petitioners

And:

Govt. Junior College, Akumuru
Village, Krishna District and three others.

.....Respondents

Counsel for the petitioners: Mr. P.Narasimha Rao

Counsel for Respondent No.3: GP for Education (AP)

The Court made the following:

ORDER: *(per Hon'ble Sri Justice C.V.Nagarjuna Reddy)*

This Writ Petition is filed for a *Certiorari* to quash order, dated 18.02.2013, in O.A.No.7327 of 2010 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad (for short 'the Tribunal').

We have heard Mr. P.Narasimha Rao, learned counsel for the petitioners and perused the record.

Petitioner No.1 was appointed as Junior Lecturer in

Chemistry on 14.6.1983 in Sapthagiri Junior College, Vijayawada, Krishna District. Later, as a part of rationalisation scheme, he was redeployed to the Government Junior College at Kaikaluru and after being transferred from place to place he retired on 30.6.2010 while working in the Government Junior College, Akunuru, Krishna District. He has filed the above-mentioned O.A. with the grievance that his House Rent Allowance (HRA) was reduced from 20% to 10%, increments for the years 2009-10 were not released, the salary for the period of March, May and June, 2010 was not paid and no notice of retirement was given to him. The said O.A. was dismissed by the Tribunal by order, dated 08.02.2013, on the ground that petitioner No.1 was not appointed by the State Government and that therefore, he cannot be considered as a Government employee and his services were governed by Andhra Pradesh Education Act and Grant-in-aid Code. It was further held that by his mere redeployment in the Government Junior Colleges, petitioner No.1 will not become a Government employee and therefore, it has no jurisdiction to decide the disputes raised by petitioner No.1, who is an employee of the private aided college.

Mr. P.Narasimha Rao, learned counsel for the petitioners, has not disputed the status of petitioner No.1 (since deceased) as a Lecturer in private aided college governed by the Andhra Pradesh Education Act and Grant-in-aid Code.

Therefore, we do not find any illegality in the impugned order of the Tribunal in declining to adjudicate the disputes raised by petitioner No.1 on merits on account of lack of jurisdiction. However, petitioner Nos.2 and 3 are left free to avail appropriate remedy for redressal of their grievances before the competent Court.

Subject to the liberty given to the petitioners as above, the Writ Petition is dismissed.

As a sequel to dismissal of the Writ Petition, WPMP.No.7953 of 2016 filed by the petitioners for interim relief is dismissed as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

JUSTICE M.S.K.JAISWAL

*26th February, 2016
DR*