

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.35191 of 2015

ORDER:

The petitioner was appointed as an Attender in the Port High School, Visakhapatnam, the 2nd respondent herein. The 2nd respondent is running the school with the aid received from the 1st respondent. In the 2nd respondent - School, one post of Record Assistant was vacant due to retirement of one Sri Musalaiah. When the petitioner was not promoted even after putting 18 years of his service and the 2nd respondent chose to promote one Sri Jayavarma, he filed W.P.No.637 of 1995 and the same was allowed by order dated 21.07.2007. In pursuance of the said order, the petitioner was promoted as Record Assistant by proceedings dated 27.11.1998 with effect from 28.05.1998. The said promotion was approved by the 3rd respondent by proceedings dated 30.05.1998. While so, said Jayavarma filed W.P.No.33822 of 1998 challenging the promotion of the petitioner. Since the said Writ Petition was dismissed on 26.07.2004, he filed W.A.No.227 of 2005 wherein the order of dismissal was modified by directing consideration of the case of both the parties in terms of W.P.No.637 of 1995 and roster point as per Rule 22 of the State and Subordinate Service Rules. The 2nd respondent considered the issue and confirmed the promotion made in favour of the petitioner vide proceedings dated 25.04.2010. The petitioner retired at the age of 58 years as Record Assistant on 31.05.2013. Though the petitioner retired from service on 31.05.2013, his pay as Record Assistant was not fixed since 28.05.1998 and his pensionary benefits were not released. Hence, he submitted several representations to the 3rd and 4th respondents and in response to the same, vide proceedings dated 04.10.2014 and 07.03.2015, they directed the 2nd respondent to send proposals. In

spite of the said directions, the 2nd respondent did not take any action and as a consequence, the pension of the petitioner is not settled till date.

Though the 2nd respondent is served, none appeared for him when the Writ Petition is taken up for consideration.

In view of the above undisputed facts, the 2nd respondent is directed to send pension proposals by duly fixing the pay of the petitioner as Record Assistant with effect from the date of promotion to the said post within a period of three months from the date of receipt of a copy of this order and upon receipt of the same, appropriate orders shall be passed by the 3rd and 4th respondents within a period of three months thereafter.

The Writ Petition is accordingly allowed. There shall be no order as to costs.

The miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

A. RAMALINGESWARA RAO, J

Date:07.06.2016

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