

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

WRIT PETITION No.5657 of 2016

Date:25.02.2016

Between:

The State of A.P., repled., by its
Principal Secretary, Intermediate
Education, Hyderabad and two others.

....**Petitioners**

And:

M.Ramana, S/o Appala Swamy
and another.

.....**Respondents**

Counsel for the petitioners: GP for Services (AP)

Counsel for the Respondents: None appeared

The Court made the following:

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

The State of Andhra Pradesh and its subordinate
functionaries filed this Writ Petition feeling aggrieved by
order, dated 23.4.2015, in O.A.No.2169 of 2015 of the
Andhra Pradesh Administrative Tribunal, Hyderabad (for
short 'the Tribunal').

In the view this Court is proposing to take, we feel

it not necessary to put respondent No.1 on notice.

The brief facts leading to the filing of this Writ Petition are that respondent No.1 was initially appointed as a Part-time Lab Attender (Vocational) in Electronics Engineering Technician at the Government Junior College, Gajapathinagaram, Vizianagaram District on a consolidated pay of Rs.650/- per month on 29.6.1991. He has filed the above-mentioned O.A. for a direction to the petitioners to regularise his services in the post of Lab Attender (Lab Assistant) in Electronics Engineering Technician at the Government Junior College, Gajapathinagaram, Vizianagaram District.

The Tribunal has, evidently, disposed of the said O.A. at the admission stage. While doing so, the Tribunal has observed that though respondent No.1 was eligible for regularisation of his services, in accordance with G.O.Ms.No.146/Education, Education (IE.1) Department, dated 20.4.1989, and also for payment of regular salary attached to the said post, he was denied these benefits and that the petitioners extended the said benefits to two persons i.e., Shaik Jani Miya and Mohd. Jilani Pasha, and several others, who were allegedly appointed on similar terms and conditions as the petitioner was appointed. Accordingly, the Tribunal has directed the petitioners to consider the request of respondent No.1 for payment of regular salary attached to the post of Lab Attender with all consequential benefits as was done in cases of Shaik Jani Miya and Mohd. Jilani Pasha and keeping in view G.O.Ms.No.146, dated 20.4.1989.

In this Writ Petition, the petitioners have averred that there is no parity between respondent No.1 and the other two persons, viz., Shaik Jani Miya and Mohd. Jilani Pasha; and that, the petitioner is not entitled to the benefit of G.O.Ms.No.146, dated 20.4.1989.

In para-3 of its order, we have noticed that though

the Tribunal has made certain observations on the entitlement of respondent No.1 to the same benefits as were conferred on the above-mentioned two persons, in its operative portion of the order, *i.e.*, in para-4, no positive directions were issued to the petitioners to regularise the services of respondent No.1 in the post of Lab Attender and fix his pay scale in the said post. It has directed the petitioners to consider the case of respondent No.1 for payment of regular salary attached to the post of Lab Attender with all consequential benefits as in the case of the above-mentioned two persons and in the light of G.O.Ms.No.146, dated 20.4.1989.

Thus, the Tribunal has vested fair discretion in the petitioners to consider as to whether respondent No.1 is entitled to the benefits claimed by him on par with those conferred on Shaik Jani Miya and Mohd. Jilani Pasha and in the light of the above-mentioned G.O. Therefore, the petitioners shall be free to take an informed decision on the entitlement or otherwise of respondent No.1 to the reliefs claimed by him in the said O.A. and communicate the same to him.

Subject to the above clarification of the impugned order of the Tribunal, the Writ Petition is disposed of.

As a sequel to disposal of the Writ Petition, WPMP.No.7187 of 2016 filed by the petitioner for interim relief is disposed of as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

JUSTICE M.S.K.JAISWAL

*25th February, 2016
DR*