

THE HON'BLE SRI JUSTICE G.CHANDRAIAH
and
THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Writ Petition No.12411 of 2015

ORDER: *(Per Hon'ble Sri Justice U.Durga Prasad Rao)*

In this Writ Petition, the petitioner assails the order dated 03.01.2014 passed by the learned Andhra Pradesh Administrative Tribunal (for short "A.P.A.T"), Hyderabad in Rev.M.A.No.2662 of 2013 in O.A.No.1752 of 2003 as being erroneous and prays for a direction to respondents to pay remuneration to the petitioner equivalent to the apprentice teacher @ Rs.1,200/- per month and not less than Rs.1,000/- including contingency.

2) The petitioner earlier filed O.A.No.1752 of 2003 stating that he was appointed as an Instructor on 01.02.1990 for teaching the children who are not admitted in schools under Non-Formal Education at Dubagunta Village, Kavali Mandal, Nellore District on a monthly contingency of Rs.200/- to teach them in evening times for 2 hours 15 minutes. While so, the Government introduced "Bridge Course System" and altered the timings of the petitioner from evening to day time with the instructions that every Instructor should work in the Government School campus under the supervision of Head Master for 5 hours daily to the satisfaction of Head Master and promised to pay an additional amount of Rs.200/- per

month. The petitioner worked to the utmost satisfaction of the Head Master but the respondent authorities failed to pay him even a single paise, whereas the teachers who are working in the schools on regular basis were paid Rs.1,200/- per month. Though on making many representations and taking out legal course, the authorities paid him the amount at the rate of Rs.300/- per month but denied him extra amount of Rs.200/- per month from May, 1998 to August, 2000. The petitioner discharged his duties sincerely and the respondent authorities having utilized his services by making false promise of payment of extra remuneration failed to keep up the promise. He thus prayed the learned Tribunal to direct the respondents to pay him remuneration equivalent to the apprentice teachers @ Rs.1,200/- per month and at any rate not less than Rs.1,000/- per month including contingency. The Tribunal by its order dated 02.09.2013 dismissed the OA with the main observation that unless there is a scheme fixing the remuneration the applicant being a part-time Instructor under Government of India's scheme is not entitled for remuneration at the rate of Rs.1,200/- per month. Aggrieved by the said order the petitioner filed review petition in Rev.M.A.No.2662 of 2013 and the learned Tribunal in its order 03.01.2014 dismissed the said application holding that there is no mistake apparent on the face of the record nor there is any mistake on law or fact in its earlier order and hence review

is not maintainable. Hence, the instant writ petition.

3) The grievance of the petitioner/party-in-person is that the respondent authorities while introducing “Bride Course System” instructed him to work extra time of 5 hours for every day in the regular school under the supervision of Head Master on a promise that an extra amount of Rs.200/- would be paid besides regular amount of Rs.300/- and believing their promise he worked sincerely to the satisfaction of the concerned Head Master on par with the regular teachers who were getting Rs.1,200/- per month, but the respondents for no valid reasons failed to pay him the promised amount for the period from 01.05.1998 to 31.08.2000 and therefore, he deserves the said amount at the rate of Rs.1,200/- or atleast Rs.1,000/- per month on par with regular teachers. However, the Tribunal without proper appreciation of facts dismissed the OA and also review application.

4) Per contra, learned Government Pleader for Education (Andhra Pradesh) submitted that respondent authorities never made any promise to pay the extra remuneration to the petitioner and any order of the Government involving financial implication should be supported by a proper notification and in this case the petitioner failed to produce such order purported to be issued and therefore, the Tribunal rightly dismissed his claim and he cannot express any grievance legally

against the order. She prayed to dismiss the writ petition.

5) In the light of above rival submissions, the point for determination is:

“Whether there are merits in the writ petition to allow?”

6) **POINT:** Admittedly, the petitioner worked as part-time Instructor to impart education to the children who were not admitted to schools under Non-Formal Education at Dubagunta village during evenings for 2 hours 15 minutes and the respondent authorities used to pay him Rs.300/- as contingency. To that extent there is no dispute. However, it is the case of the petitioner that respondent authorities introduced “Bridge Course System” and instructed him to work for 5 hours with a promise to pay him additional amount of Rs.200/- per month and he obliged the authorities and worked sincerely and therefore, his claim is that he is not only entitled the extra remuneration at the rate of Rs.200/- per month but also at the rate of Rs.1,200/- per month or atleast Rs.1,000/- per month on par with the regular teachers. The respondents denied introduction of such scheme and making any promise to the petitioner. As rightly observed by the Tribunal, the petitioner failed to produce any material showing introduction of “Bridge Course System” and respondents promising to pay extra remuneration at the rate of Rs.200/- per month leave aside Rs.1,200/- per month. In view of his failure to produce any material and in

the light of denial of introduction of such scheme by the respondents, the Tribunal held that unless there is a scheme fixing the remuneration the applicant being a part-time Instructor under Government of India's scheme is not entitled to remuneration of Rs.1,200/- per month. The said order does not suffer from any legal infirmity warranting interference. Hence, we do not find any merits in the writ petition.

7) Accordingly, this Writ Petition is dismissed. No costs.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

G.CHANDRAIAH, J

U.DURGA PRASAD RAO, J

Dt: 04.04.2016

Murthy