

THE HON'BLE SRI JUSTICE A.V. SESA SAI

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WRIT PETITION No.32661 OF 2011
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ORDER:

This writ petition is filed under Article 226 of the Constitution of India for the following relief:

“to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondent No.1, 2 and 3 in not granting the UGC scales to the petitioners with effect from 02.02.1991 and also not counting the unaided services of the petitioners from the date of their initial appointment as lecturer in 3rd respondent college as Commerce and Hindi dt.20.12.1989 and 25.03.1987 respectively for the purpose of carrier advancement scheme is illegal, arbitrary, unjust, and discrimination being violative of Article 14 and 16 of the Constitution of India and consequently direct the respondents to grant the UGC scales to the petitioners with effect from 02.02.1991 and fix their pay accordingly and also count the unaided service of Lecturer as Commerce and Hindi in 3rd respondent college dt.20.12.1989 and 25.03.1987 respectively for the purpose of carrier advancement scheme as was extended to Mr.T.Shekar Reddy vide G.O.Rt.844 higher Education CE-II Department dt.04.11.2004.”

2. According to the petitioners, they joined the service of a Private Educational Institution i.e. the 3rd respondent herein, as Lecturers in Commerce and Hindi. Even though representation was submitted by them to the Commissioner, Department of Collegiate Education, Government of Andhra Pradesh, Nampally, Hyderabad – 2nd respondent, for extension of the benefit of U.G.C. pay scales, no action has been taken. Aggrieved by the action of the respondents in not granting UGC scales to the petitioners, present writ petition has been filed.

3. Heard Sri B.Ranganadh Rao, learned counsel, appearing for the petitioners and learned Government Pleader for Higher Education.

4. It is submitted by the learned counsel for petitioners so also the learned Government Pleader that the issue in the present writ petition is squarely covered by the orders of this Court in W.P.No.10581 of 2010, dated 21.02.2012. This Court deems it appropriate to pass the same order in the present writ petition also.

5. The respondents do not dispute that the case of the petitioners is similar to that of one Sri T.Sekhar Reddy, Lecturer in commerce, in the 3rd respondent-Institution. It is also a matter of record that Sri T.Sekhar Reddy was extended the benefit of UGC scales and his appointment was also ratified with effect from the date on which the post was admitted to grant-in-aid. Further, he was extended the benefit of CAS. Once that is so, there is no reason why the petitioners be not extended the benefit. Though the benefit of CAS can be extended only on the basis of assessment, by a Committee, other two benefits, viz., ratification of appointment against aided vacancy, and the benefit of UGC scales cannot be denied to the petitioners. In compliance with the interim order passed by this Court, the 1st respondent issued G.O.Rt.No.844 dated 04.11.2004 directing that the petitioner shall be entitled to the benefits similar to those extended to Sri T.Sekhar Reddy. Necessary directions were also issued to the 2nd respondent. The latter, in turn, issued proceedings dated 13.02.2012 extending the benefit of pay scales, detailed in the same. As regards CAS, it was observed that necessary steps would be taken for constituting a Committee as required under the relevant G.O. With this, the grievance of the petitioners stands redressed.

5. The Writ Petition is accordingly closed.

6. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

07.01.2016
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