

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION NO.9307 OF 2010

ORDER:

The petitioners are retired Junior Accounts Officers of the respondent. They discharged duties of Senior Accounts Officers by virtue of the orders issued by the respondent on different periods. Later, they retired from service. The service conditions of the petitioners are governed by APSEB Regulations, which were framed under Section 79 (c) of the Indian Electricity Act. Regulation 30 (A) of Part I provides for payment of higher pay in the event of discharging additional duties and responsibilities. The petitioners made several representations to the respondent for implementing the said Regulation while regulating their payment for the services rendered by them as Senior Accounts Officers and when no action was taken, the present writ petition is filed.

2. When the writ petition is pending, petitioners 3 and 5 expired and their legal representatives were brought on record.

3. There is no dispute with regard to the discharge of duties by the petitioners as Senior Accounts Officers under various proceedings of the respondent during the following periods:

Petitioner No.	Name of the petitioner	Period of incharge	Proceedings
1.	Mr.B.Peddaiah	3-12-2007 to 31-3-08 (till date of retirement i.e., on 31-3-08)	MemoNo.432, dated 3-12-2007
2.	Mr.S.Kistaiah	9-8-2007 to 31-1-08 (till date of retirement i.e., on 31-1-08)	MemoNo.242, dated 9-8-2007
3.	Mr.Kuldeep Singh	9-8-2007 to 31-1-08 (till date of retirement i.e., on 31-1-08)	MemoNo.242, dated 9-8-2007
4.	Mr.T.Venkatesam	July,2007 to August,2007 (Month of retirement)	13-07-2007
5.	Akl.Kondama Raju	November, 2007 to 31-07-2008 (till the date of retirement i.e., on 31-07-2008)	Memo No.387, dated 27-10-2007

4. Regulation 30 (A) of Part I of Service Regulations reads as follows:

“Notwithstanding anything contained in these Regulations where a Board servant holding a post in a substantive officiating or temporary capacity is promoted or appointed in substantive officiating or temporary capacity to another post carrying duties and responsibilities of greater important than those attaching to the post held by him, his initial pay in the time-scale of the higher post shall be fixed at the stage next above the pay notionally arrived at by increasing his pay in respect of the lower post by one increment at the stage at

which such pay as accrued.”

5. The period of service rendered by the petitioners in higher post and the application of the Regulation to them is not in dispute. The only issue that remains to be considered is with regard to the implementation of the said Regulation in case of the petitioners.

6. In identical circumstances, one working employee as General Manager filed W.P.No.1085 of 2006 seeking implementation of the said Regulation. This Court allowed the writ petition by order, dated 28-03-2006 directing the respondent to fix the pay of the petitioner in terms of Regulation 30 (A) of the Regulations. The said order was upheld by a Division Bench of this Court, vide order, dated 06-09-2010 in W.A.No.683 of 2010. S.L.P. preferred against the order of a Division Bench of this Court in S.L.P.No.848 of 2012 was dismissed on 30-07-2014 by the Hon'ble Supreme Court.

7. In the instant case, after five years, no counter-affidavit is filed. At request of the learned counsel for the respondent on the last occasion, time was granted for filing counter-affidavit, but no counter-affidavit is filed.

8. In the circumstances, the respondent is directed to verify the record with regard to the discharge of duties by the petitioners as Senior Accounts Officers during the periods mentioned above and issue orders of payment of amount for the discharge of higher responsibilities in accordance with Regulation 30 (A) of Part I of Regulations within a period of three months from the date of receipt of a copy of this order.

9. Accordingly, the writ petition is disposed of. No order as to costs. Miscellaneous petitions, if any pending in this writ petition shall stand closed.

A.RAMALINGESWARA RAO, J

DATED: 23-03-2016

Hsd