

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.19110 of 1999

Date 17.07.2017

Between:

M.Somla.

... Petitioner

AND

The Integrate Tribal Development Agency rep. by its Project Officer (ITDA), Bhadrachalam, Khammam District and others.

.....Respondents



HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 19110 of 1999

ORDER:

The petitioner claims to have been appointed initially on 18.08.1997 as school assistant, specially, meant for Tribal Community, as notified by the Government; and he was permitted to work as apprentice in the said post for a period of two years on a monthly stipend of Rs.1,500/- for the first year and Rs.1,800/- for the second year. Petitioner contends that the Director of Tribal Welfare issued proceedings dated 23.10.1995 recommending scales attached to the post of S.G.Ts and, accordingly, the government issued G.O.Ms.No.858 dated 25.08.1995; the Project Officer, ITDA, Adilabad conducted selections and issued proceedings dated 24.07.1997 appointing S.G.Ts as per G.O.Ms.No.858 dated 25.08.1995 and their pay was fixed according to the said G.O.; and, based on the principle of 'equal pay for equal work', the petitioner be extended the said benefit of pay scale during the period he worked as apprentice.

Learned Government Pleader for Social Welfare opposes the writ petition and submits that appointment is governed by the government orders issued from time to time; even assuming that the Project Officer, ITDA, Adilabad had directed higher remuneration, in so far as the petitioner is concerned, he is governed by the specific orders in

G.O.Ms.No.396 dated 25.06.1996; and prays for dismissal of the writ petition.

Heard the learned counsel for the petitioner and perused the record.

The relevant portion in G.O.Ms.No.396 dated 25.06.1996 read thus:

1. xxxx
2. xxxx
3. Therefore, the Government after careful consideration of the facts reported by the Director of Tribal Welfare hereby order the relaxation of the training qualification i.e., TTC/B.Ed in respect of tribal candidates for appointment as teachers in the educational institutions under the control of Government and Panchayat Raj Institutions. The recruitment shall be through the concerned District Selection Committee constituted as per G.O.Ms.No.221, Edn (Ser.III) Dept. dt. 16.07.1994. These teachers will be appointed on apprenticeship basis on consolidated amount per month as laid in G.O.Ms.No.238,Edn. (Ser.III) Dept. dated 28.07.1994. The selection and appointment by the District Selection Committees shall be completed within three months from the date of issue of these orders.
4. After appointment, these teachers shall be sent for training at the rate of 50 candidates in every DIET as an additional batch as already ordered in G.O.Rt.No.337, Edn. (Training-II) Dept. dated 12.03.1996. This process of training shall be completed within a period of three years commencing from the year 1996-97.
5. Confirmation of these teachers appointed against permanent posts shall be subject to the acquisition of the required training qualification within a period of three years from the date of appointment or within one year of completion of training whichever is earlier. This appointment shall be provisional and failure during the Training will lead to cancellation of appointment of candidate.

G.O.Ms.No.238 dated 28.07.1994 speaks about appointment, of every selected candidate, as apprentice for a period of two years from the initial date of appointment; and during the period of apprenticeship, he/she shall be paid monthly stipend at Rs.1,500/- for the first year and Rs.1,800/- for the second year

It is not in dispute that the petitioner came to be appointed through appointment letter dated 18.08.1997. His appointment being specific, was paid stipend, as specified, for initial two years. In the absence of any procedure prescribed governing payment of regular pay scale attached to the post during the period of apprenticeship, the petitioner has no vested right to claim pay scale attached to the post.

So far as the element of discrimination is concerned, in the absence of Project Officer, ITDA, Adilabad being arrayed as a party respondent, under what circumstances, persons appointed through proceedings dated 24.07.1997 were paid the scale of pay attached to the post, is not discernible. It is not sufficient for this Court to come to a conclusion that there is discrimination as there is reference in the appointment letter dated 24.07.1999 issued by the Project Officer, ITDA, Adilabad, that the post of S.G.Ts for upgradation of Ashram School.

In as much as the petitioner's appointment being governed by specific orders under prescribed procedures and there being no choice left to the Project Officer, ITDA, Adilabad, other than to follow the prescribed procedure, and there being no right for the petitioner to claim regular pay scale attached to the post during apprenticeship, the Writ Petition is dismissed. No order as to costs.

Miscellaneous Petitions pending, if any, in this writ petition shall stand closed.

CHALLA KODANDA RAM,J

Date:17.07.2017
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