

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.26482 of 2017

ORDER:

This Writ Petition is filed by the petitioner under Article 226 of the Constitution of India seeking to declare the action of the respondents in issuing the Proceedings MR No.133/UAD/GAZ/2017, dated 13.07.2017, and consequential proceedings MNo.341/199/1989/Adm.I-1, dated 24.07.2017, as illegal and arbitrary and violative of Articles 14 and 21 of the Constitution of India, besides the UGC regulations and by nullifying the same and to direct the payment of pension and pensionary benefits with interest and without reference to any post retirement refixations.

2. Heard Smt. D. Padmavathi, learned counsel for the petitioner, Sri Ch. Jagannadha Rao, learned Standing Counsel appearing for respondents 1 & 2 and the learned Government Pleader for Higher Education appearing for the 3rd respondent and perused the material available on record.

3. The case of the petitioner is that the petitioner joined as Lecturer in Physics on 06.06.1989 in University College of Women, Hyderabad, in the pay scale of Rs.2200-400-2200 and was awarded senior scale in the year 1994 and in the year due to selection Grade, the petitioner's pay scale was 1200-18300, which was a notional promotion and the petitioner was also promoted as Associate Professor with a pay scale of 37400-67000/39690 + 9000 AGP from 01.01.2006 and was also promoted as Professor with a pay scale of 37400-67000/42660 + 10000 under revised UGC scales of pay, 2006, with effect from 27.07.2006 by taking into consideration of the

UGC Circular regarding counting of past service and that the petitioner is entitled to get two increments and the said senior scale and the consequential pay fixation was approved by the local fund audit and that the past service as counted for senior scale was taken into consideration and pay fixation was undertaken. The petitioner was retired on 30.04.2017.

4. The main grievance of the petitioner is that the respondent authorities have issued proceedings in MR No.133/UAD/Gaz/2017, dated 13.07.2017, stating that the excess payment made from 27.07.1998 to 08.05.2007 is Reader's Scale and from 09.05.2007 to 30.06.2017 in Professor's Scale amounting to Rs.4,93,416/- will be recovered from the salary of the teachers. The respondent authorities have again issued proceedings No.MR-341/199/1989/Adm.I-1, dated 24.07.2017, stating that in the process of waiver of the objection raised by the State Audit while fixing the pay of the petitioner under UGC RSP-2006, the benefits extended to the petitioner with regard to two advance increments are liable for recovery. Aggrieved by the same, the present writ petition is filed.

5. Learned counsel for the petitioner submitted that the respondent authorities have issued the impugned proceedings, dated 13.07.2017 and 24.07.2017, without giving any prior notice to the petitioner and that the same is in violation of principles of natural justice.

6. Taking into consideration the facts and circumstances of the case and the grievance of the petitioner and also the submissions

of the learned counsel for the petitioner, this Court is of the view that the impugned proceedings, dated 13.07.2017 and 24.07.2017, are liable to be set aside since the respondent authorities have issued the above said impugned proceedings without giving any prior notice to the petitioner.

7. Accordingly, the Writ Petition is allowed by setting aside the impugned proceedings, dated 13.07.2017 and 24.07.2017, issued by the respondent authorities. However, this order will not preclude the respondent authorities from taking any action against the petitioner, in accordance with the Rules in force. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.



A.RAJASHEKER REDDY, J

Date: 17th August, 2017

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