

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.25303 OF 1998

ORDER

Heard Sri S.M.Subhan, learned counsel appearing for the petitioner and learned Government Pleader for Education appearing for respondents 1 to 3.

This writ petition is filed seeking to issue a writ of Mandamus declaring Para-3 of Andhra Pradesh Aided Colleges Staff Pension Rules, 1993 issued in G.O.Ms.No.2, Education Department, dated 5.1.1994, which disqualified counting of entire service for the purpose of extension of pension, as arbitrary and illegal, and consequently, to direct respondents concerned to count the un-aided service for the purpose of pensionary benefits.

It is the case of the petitioners, they were appointed as Lecturers in S.R.V.B.S.J.B. Maharani College, Peddapuram, East Godavari District, on various dates. Thereafter, petitioners 1 to 9 and 11 to 21 were admitted into grant-in-aid on 1.6.1984 & petitioner No.10 on 25.02.1986. After rendering considerable length of service, majority of the petitioners retired from service. Now, their grievance is that un-aided services rendered by them in the 4th respondent College be

counted for the purpose of pension and other attendant benefits.

Learned Government Pleader appearing for the respondents 1 to 3 submits that the State Government has enacted Andhra Pradesh Private Aided Educational Institutions Employees (Regulation of Pay) Act, 2005 (for short 'the Act'), which disentitle the petitioners for claiming benefits of the service rendered in un-aided posts.

It is brought to the notice of this Court that while disposing of W.P.No.3460 of 2010 and batch, on 23.08.2017, this Court held that the un-aided services will be counted for the purpose of calculating pensionary benefits and other attendant benefits.

Learned counsel on either side fairly concedes that the issue involved in the present writ petition is squarely covered by the said judgment and this writ petition can be disposed of in terms of the said judgment.

In view of the same, the Writ Petition is disposed of in terms of W.P.No.3460 of 2007, dated 23.08.2017 and the services of the petitioners be counted in the un-aided service rendered by them in the 4th respondent-College for the purpose of pensionary benefits. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

11th December, 2017
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