

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITON No.28216 of 2017

ORDER:

The case of the petitioner is that he is working as School Assistant (Social) at ZPHS, Mosra, Varni Mandal, Nizamabad District and he was initially appointed as Reserve Sub-Inspector of Police (RSI) on 17-08-1999 against 1998 recruitment. While the petitioner was in service, he was selected to the post of School Assistant and was directed to report to the Head Master concerned on or after 17-10-2002 vide proceedings No.2388/A2/2002, dated 08-10-2002. That the petitioner relieved from service as Reserve Sub-Inspector of Police and joined to the post of School Assistant on 29-10-2002 at UPS, Nandigaon, Navipet. Since then, the petitioner has been working as School Assistant (Social) and was lastly transferred to ZPHS, Mosra, Varni Mandal, Nizamabad District. While working as RSI, the petitioner was lastly drawing basic pay of Rs.5300/- in the pay scale of Rs.4850-10250 as per Last Pay Certificate Rc.No.1442/P3/2007, dated 19-12-2007. When the petitioner has joined as School Assistant, his basic pay was fixed at Rs.4850/- in the pay scale of Rs.4850-10250. On that the petitioner made several oral requests to the department to fix his pay at the stage not lower than the pay drawn by him at the stage not lower than the pay drawn by him in the earlier post. As his pay was not being refixed as

per rules, the petitioner made a representation to the 3rd respondent on 26-11-2007 and the 3rd respondent has forwarded a letter dated 12-04-2008 to the 2nd respondent to issue necessary orders in the matter. That the 3rd respondent has issued proceedings in Rc.No.7490/B1/2007, dated 02-08-2008 rejecting the case of the petitioner for pay protection and other benefits on the ground that he is still under probation and the same cannot be considered. The petitioner submitted a representation to the 2nd respondent on 29-01-2010 that the said reason is not valid. That the services of the petitioner were regularized vide proceedings in Rc.No.5170/B1/2012-13, dated 06-06-2014 by the 3rd respondent with effect from 29-10-2002 in the cadre of School Assistant and was placed in the scale of Rs.7200-16925 by fixing his pay at minimum of Rs.7200/- plus two annual increments of Rs.185+185 for the period of apprenticeship between 2002-2004 as per G.O.Ms.No.2, dated 05-01-2009 totalling to Rs.7570/- as on 29-10-2004. That the petitioner's stage of pay in the earlier post of RSI was Rs.5300/- and as per Rule 22(a) (iv) of A.P.Revised Pension Rules (for short "Pension Rules") his pay should have been fixed at corresponding pay of Rs.5300/- in the Revised Pay Scales of 2005 i.e. Rs.7570/- plus two annual increments of Rs.185+185 for the period of apprenticeship between 2002-2004 as per G.O.Ms.No.2, dated 05-01-2009 totalling to Rs.7910/- as on 29-10-2004 instead of Rs.7570/-. That the

petitioner made a representation to the 2nd respondent on 19-09-2016 to consider his case for pay protection including increments, carry forwarding of leave, pension and other benefits by fixing his pay in the earlier post of RSI. But no orders are passed. Aggrieved by the same, the present writ petition is filed.

Heard learned counsel for the petitioner, who submits that the petitioner is entitled for the relief in terms of F.R.22-a(iv) read with Rule 26 of Revised Pension Rules, 1980.

Heard learned Government Pleader for Services.

Since the grievance of the petitioner is already pending before the authorities, it is for the authorities to consider the same as per rules and take action accordingly.

In view of the same, the 2nd respondent is directed to consider the representation of the petitioner dated 19-09-2016 in terms of Rule 22 (a)(iv) read with Rule 26 of Pension Rules within a period of four weeks from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

24-08-2017
Nvl



