

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.22384 OF 2001

ORDER:

1. This writ petition is filed seeking to issue a writ of mandamus declaring the action of the respondents in not extending the benefit of special minimum scale of pay of 50% of Rs.14,940/- to those who had retired as Lecturers (Selection Grade)/Reader after completing five years of service in the pre-revised scale of 3700-5700 prior to 1.1.1996 as per G.O.Ms.No.208, dated 29.6.1999, as arbitrary and illegal.

2. Heard Sri M. Srikanth, learned Counsel appearing for the petitioners and the learned Government Pleader for Higher Education for the respondents.

3. It has been submitted by the learned Counsel for the petitioners that the members of the 1st petitioner-association are retired lecturers, principals and also the head of departments of Private Aided Degree Colleges and the Government Degree Colleges and that the 1st petitioner is exposing the cause of the members of the 1st petitioner-association. It has been submitted that the members of the 1st petitioner-association and the 2nd petitioner retired from service prior to 1.1.1996 and that they are entitled for pay scales of 1996 and that the respondents cannot fix a cut of date as 1.1.1996 and deny the benefit of revised pay scales to the petitioners. Further, it has been submitted that UGC revised scales of pay was adopted by the State Government vide G.O.Ms.No.208, dated 29.6.1999 and that the revised pay scales were implemented with effect from 1.1.1996 and perusal of G.O.Ms.No.208, dated 29.6.1999 would disclose that while implementing U.G.C. revised pay scales, for the purpose of computing the

benefits, it is to be taken into account as to whether one has completed five years of service as on 1.1.1996, and that when the service rendered prior to 1.1.1996 was taken into account for purpose of evaluating certain benefits while extending the revised pay scales, the cases of the members of the 1st petitioner-association and the 2nd petitioner should have also been considered, and the benefits which are available in terms of G.O.Ms.No.208 dated 29.6.1999 ought to have been extended to the petitioners also.

4. The learned Government Pleader for Higher Education contends that the revised pay scales were implemented with effect from 1.1.1996 and the question of extending the said benefit to the persons, those who have retired prior to 1.1.1996 would not arise and therefore, the writ petition is liable to be dismissed.

5. I have considered the rival submissions made by the parties. It is an admitted fact that UGC pay scales were revised with effect from 1.1.1996 and the same were adopted by the State Government, vide G.O.Ms.No.208, dated 29.6.1999. In the said G.O., it was categorically stated that the revised UGC pay scales would be implemented with effect from 1.1.1996. In the circumstances, this Court is of the view that the same benefit cannot be extended to the members of the 1st petitioner association and the 2nd petitioner. The writ petition is devoid of merits.

6. Accordingly, the Writ Petition is dismissed. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

(ABHINAND KUMAR SHAVILI, J)

13th December, 2017

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