

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.14873 of 2008

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed seeking verbatim the following relief:

'..to issue an appropriate writ or order or direction more particularly one in the nature of Writ of Mandamus declaring as illegal, arbitrary and in violation of provisions of Articles 14 and 21 of the Constitution of India the action of the respondents 2 and 3 in not permitting the petitioner to join duty pursuant to the orders issued in Rc.No.2297/A3/2007 dated 19.12.2007 and issue a consequential directions to the respondents to forthwith permit the petitioner to join duty by paying salary from November 2007 onwards..'

I have heard the submissions of *Sri Aka Venkataramana*, learned counsel appearing for the writ petitioner, and of learned Government Pleader for Higher Education representing the respondents. I have perused the material record.

The facts in a nutshell are as follows:

The petitioner was selected by the A.P. College Service Commission, Hyderabad, and was allotted to Vivekananda Junior College, Mamillagudem of Khammam District *vide* proceedings, dated 22.10.1990. The Correspondent of the said college issued proceedings, dated 29.07.1991, appointing the petitioner as a Junior Lecturer in History. The said college was admitted to grant-in-aid with effect from 01.04.1994. The post held by the petitioner was also admitted to aid. The aided junior colleges were required to maintain minimum economic strength of students. Vivekananda Junior college was identified as

having uneconomic strength. Therefore, the 1st respondent re-deployed the petitioner and sent him to Government Junior College, Yellandu of Khammam District, on duty (OD) basis. The petitioner reported to duty at the said college; but, continued to draw his salary from the grant allocated to Vivekananda Junior College, Mamillagudem. He was used to be paid his salary on producing attendance certificate from the Principal of the Yellandu College. Thus, he continued to be a junior lecturer in aided post. However, he was paid salary only from August, 2007, to October, 2007. Thereafter, he was not paid salary though he was discharging duties allotted to him. Further, the 2nd respondent, *vide* proceedings, dated 15.12.2007, directed the petitioner to work at Government Junior College, Cherla of Khammam District. Accordingly, the Principal of Government Junior College, Yellandu, relieved the petitioner from that college, by proceedings dated 18.12.2007. On 19.12.2007, the petitioner reported for duty at Government Junior College, Cherla; but, the Principal of the said college did not allow him to join duty. Later, on 24.12.2007, the Principal, Government Junior College, Cherla, informed the petitioner that the 2nd respondent again issued orders, dated 19.12.2007, modifying his earlier orders, dated 15.12.2007, and transferring the petitioner and posting him to Government Junior College, Mulkalapally. Therefore, the petitioner contacted the Principal, Government Junior College, Mulkalapally, on 24.12.2007. He was informed that there was no existing post of Junior Lecturer in History in that college; and, the petitioner was hence, asked to contact the 2nd respondent for issuance of appropriate proceedings. Since then, the petitioner has been approaching the 2nd respondent as well as the 3rd respondent college requesting to permit him to join duty

and also to pay salaries from November, 2007, onwards, but, his efforts are of no avail. Hence, the writ petition is filed.

No counter is filed by any of the respondents.

This Court, on 11.07.2008, after hearing the learned counsel for the petitioner and while ordering notice before admission passed the following interim order:

‘There shall be interim direction to the third respondent, to implement the order, dated 19.12.2007, unless, it was modified by any subsequent orders passed by the second respondent.’

Thereafter, the petitioner filed WP.MP.No.18099 of 2009, *inter alia*, stating that pursuant to the afore-said interim order granted by this Court, the 2nd respondent issued proceedings, dated 23.07.2008, directing the petitioner to join duty at Government Junior College, Enkoor of Khammam District, and that thereupon the petitioner joined duty, on 24.07.2008, and that, however, the petitioner is not being paid salary since the date of his joining duty; having pleaded so, the petitioner sought a direction to the respondents to pay salary due to him for the period from November, 2007, onwards to July, 2008. This Court, by orders, dated 10.09.2008, accordingly directed the respondents to pay salary to the petitioner every month regularly on or before 10th of the succeeding month.

Since the petitioner is now given posting orders and is now working on OD basis, the only grievance that needs to be redressed in this writ petition is payment of arrears of salary for the months from November, 2007, to July, 2008.

The Regional Joint Director of Intermediate Education, Warangal, *vide* his proceedings, dated 08.11.2012, in Rc.NO.2297/ A/ 2007-2, having regard to the history of the case of the petitioner and the orders of this Court, directed the District Vocational Education Officer, Khammam, to release the salary of the petitioner from November, 2007, to July, 2008 and submit a compliance report. It appears that despite the said proceedings of the Regional Joint Director, no further action is taken by the said District Vocational Education Officer, Khammam, who is the impleaded 4th respondent in this writ petition. On account of the inaction of the said respondent, the petitioner also addressed a letter, dated 02.01.2014, to the District vocational Education Officer, Board of Intermediate Education of Khammam & Nalgonda, advertng to the afore-stated proceedings, dated 08.11.2012, and requesting to release his arrears of salary. Copies of the said letters were also marked to the superior officers.

In view of the chronology of events, learned counsel for the petitioner would submit that the writ petition may be disposed of directing the respondents, particularly, the 4th respondent-District Vocational Education Officer, to pay the arrears of salary as directed in the proceedings, dated 08.11.2012, of the Regional Joint Director.

Learned Government Pleader, on instructions, submits that appropriate orders may be passed.

In the result, the Writ Petition is disposed of directing the respondents to pay to the petitioner, who is now working (on redeployment) as Junior Lecturer in History at Government Junior College, Enkoor of Khammam District, the arrears of salary for the

period from November, 2007, to July, 2008, if not already paid, within four (04) weeks from the date of receipt of a copy of this order.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

M.SEETHARAMA MURTI, J

06.04.2017
Vjl

