

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.25168 OF 2000

ORDER:

1. This writ petition is filed seeking a writ of Mandamus declaring the action of the respondents in not taking into consideration the service of the petitioner from 1.8.1968 to 23.10.1974, not giving weightage of three years service while computing or arriving at the qualifying service and in not granting the Dearness Allowance to the petitioner, as arbitrary and illegal and for a consequential direction to grant pension by taking into consideration the service from 1.8.1968 to 23.10.1974.

2. Heard Sri M.Ravindranath Reddy, learned counsel for the petitioner and learned Government Pleader for Higher Education.

3. It is the case of the petitioner that he was appointed as a Post Graduate Assistant in Zilla Parishad High School, Buchireddipalem, Nellore district on 1.8.1968, that he worked in the said post upto 22.10.1969, that thereafter, he had an opportunity to work as a Junior Lecturer in the 4th respondent institution and he has joined as a Junior Lecturer, an unaided post, on 23.10.1969, that subsequently, the post held by him in the 4th respondent institution was admitted in grant-in-aid on 24.10.1974, and that the petitioner was later promoted as the Principal of the 4th respondent college.

4. The entire issue in this case is whether the service rendered from 1.8.1968 to 23.10.1974 can be counted for the purpose of pensionary benefits.

5. The service rendered by the petitioner from 1.8.1968 to 23.10.1974 is an unaided service. The petitioner seeks a direction to the respondents

to count the service rendered prior to 24.10.1974 i.e., unaided service, for the purpose of pensionary benefits.

6. A counter affidavit has been filed by the Joint Director of Intermediate Education stating that the service rendered prior to 24.10.1974 is an un-aided service and cannot be counted in view of Act.37 of 2005 and hence, no relief can be granted in the present writ petition.

7. I have considered the submissions made by the rival parties and in view of Act.37 of 2005, the relief sought for by the petitioner cannot be granted.

8. Writ Petition is dismissed accordingly.

Pending miscellaneous petitions, if any, shall also stand dismissed.

No order as to costs.

ABHINAND KUMAR SHAVILI ,J

Date:22.11.2017

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