

**IN THE HIGH COURT OF JUDICATURE, AT HYDERABAD  
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA  
PRADESH**

**\*\*\*\*\***

**HON'BLE SRI JUSTICE P. NAVEEN RAO**

**WRIT PETITION (TR) NO. 5571 OF 2017**

**DATE : 11.07.2017**

Between:

G. Hari Shankar S/o Late G. Ananta Ram

....applicant party in person

A n d

The State of Telangana represented by the Special Chief Secretary  
to Government Finance Department (Admn II) Department,  
Secretariat, Hyderabad and one another

....Respondents



**HON'BLE SRI JUSTICE P. NAVEEN RAO****WRIT PETITION (TR) NO. 5571 OF 2017****ORDER:**

Heard Sri G. Hari Shankar, party-in-person, and learned Government Pleader for Services (II), State of Telangana, appearing for respondents 1 & 2.

2 Having rendered long and satisfactory service, petitioner retired as Office Superintendent in the office of the Executive Engineer, Panchayat Raj, Hyderabad Division. Record would disclose that the petitioner has been prosecuting grievance regarding settlement of his service benefits, more particularly, with reference to Special Grade Promotion on completion of 10 years of incremental service and Special Promotion Post-I Scale on completion of 16 years service. It appears, earlier petitioner was granted the benefit of removing anomaly in pay compared to a junior in accordance with G.O.Ms.No. 75, Finance and Planning Department dated 22.2.1994. Earlier, petitioner filed O.A.No. 9456 of 2001, challenging the memo dated 7.5.2001, and sought direction to respondents to fix his pay in 10 / 16 years scale, as referred to above, in the cadre of Senior Assistant with all consequential benefits. The claim sought for by the petitioner was not granted by the Tribunal. However, the Tribunal directed to refund the excess amount deducted from the pensionary benefits of the petitioner. Aggrieved by the order of the Tribunal in not granting the 10/16 years scales as prayed for by the petitioner, petitioner filed W.P.No. 26415 of 2005. The District Audit Officer

filed W.P.No. 12887 of 2005 against the direction issued by the Tribunal to refund the excess amount paid. Both the Writ Petitions were heard together and by common order dated 3.9.2012 both the Writ Petitions were disposed of. At the time of hearing, on behalf of petitioner it was represented that the petitioner is no more claiming the benefit under G.O.Ms.No. 75, but seeking benefit of Automatic Advancement Scheme, as notified by the Government in G.O.Ms.No. 117, Finance & Planning (Finance Wing-P.R.C.I) Department, dated 25.5.1981. Having regard to the submission made by the petitioner restricting his grievance only to the benefit under G.O.Ms.No. 117, the Division Bench of this Court set aside the Order of the Tribunal dated 21.12.2004 and directed consideration of claim of the petitioner for restoration of 10/16 years SPG/SPP 2 scales under the Automatic Advancement Scheme issued in G.O.Ms.No. 117 as amended from time to time without giving any benefit under G.O.Ms.No. 75 dated 22.2.1994.

3. Pursuant to the directions of Division Bench of this Court, the Chief Executive Officer, Zilla Praja Parishad, Ranga Reddy District, vide proceedings dated 1.2.2013 determined the pay fixation by applying the Special Grade Promotion Scale on completion of 10 years and SPP-I Scale on completion of 16 years. Petitioner was granted Special Grade Post Scale from 17.8.1989 and SPP-I Scale from 17.8.1995. However, the order of Chief Executive Officer restricts the benefit of pay fixation only to the pensionary benefits. Petitioner retired from service on 31.1.1999. Thus the benefits of pay fixation, as referred to above, was extended only after his retirement though he rendered service of

approximately 10 years with extended benefits before his retirement.

4. In the instant writ petition, petitioner claims the arrears of amount due to him consequent to granting the Special Grade Post scale and Special Promotion Post-I scale. Petitioner submitted a representation on 20.7.2015 to the Government requesting for settlement of these amounts. Para 15 of the said representation specifically refers that arrears of amount due from 17.8.1989 to 31.1.1999 are not paid. Petitioner has explained in detail that the issue of denial of benefits under G.O.Ms.No. 75, is nothing to do with the payment of arrears and that the amounts earlier paid to him were already recovered, therefore, payment of arrears to him is still pending and he is entitled to receive an amount of Rs. 28,444/- and the same should be paid. The said request of the petitioner was rejected by the Government and the decision was communicated to the petitioner by way of letter dated 17.8.2015, impugned in this writ petition. By memo dated 17.6.2015, the claim of the petitioner in response to his earlier representation dated 10.6.2013, was considered and rejected. In the said memo, the petitioner was informed that earlier petitioner was given benefit of restoration of parity by stepping up of pay, which was an anomaly, and the petitioner is not entitled to double benefit. Even though the petitioner explained in detail in his representation dated 20.7.2015, the reply given to the petitioner in letter dated 17.8.2015 does not deal with the claim of the petitioner and rejected on the same grounds as reflected in the memo dated

17.6.2015. The memo dated 17.6.2015 and the letter dated 17.8.2015 are challenged in this Writ Petition.

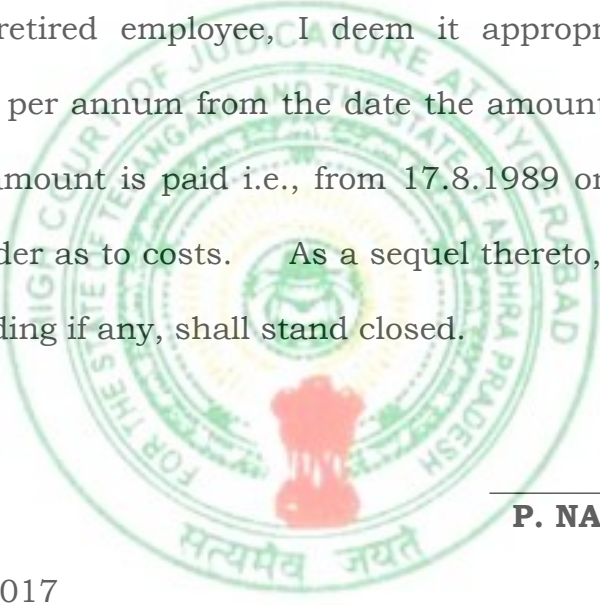
5. Party-in-person submits that the only grievance of the petitioner is that consequent to the implementation of the judgment of this Court in W.P.Nos. 26415 & 12887 of 2005, when the Special Grade Post Scale increment and SPP-I Scale increment is granted to him from 17.8.1989 and 17.8.1995 respectively, there is no justification to deny him the arrears of amounts and restricting benefits only from the date of retirement.

6. As seen from the representation submitted by the petitioner, this is exactly the plea raised before the Government, whereas the reply given to the petitioner is silent on the issue of the alleged double payment and ignoring the fact that recovery was already effected. The counter affidavit also do not deal specifically on this aspect.

7. From the reading of the proceedings of the Chief Executive Officer dated 1.2.2013, it is clear that the benefits of revision of 10 years/16 years scales were extended from 17.8.1989 and 17.8.1995 and these benefits are prior to the retirement of the petitioner. Thus the petitioner is entitled to the consequential amounts flowing out of the fixation from the respective dates. I see no justification for denial of the said amount. The Division Bench directed extension of benefit of Automatic Advancement Scheme notified by the Government in G.O.Ms.No. 117 and the direction issued by the Division Bench of this Court is very clear. When the direction is to extend the benefit of G.O.Ms.No. 117, the respondents cannot restrict the monetary benefit flowing out of

G.O.Ms.No. 117 and giving benefit only after retirement. Thus the action of the respondents is illegal.

8. The Writ petition is allowed. Respondents are directed to grant arrears of amount payable consequent to fixation of 10 years and 16 years scales under the Automatic Advancement Scheme, as notified in G.O.Ms.No. 117, from 17.8.1989 and 17.8.1995 respectively. The amount shall be paid, as expeditiously as possible, preferably within a period of two months from the date of receipt of a copy of this order. As denial of these amounts was illegal for a retired employee, I deem it appropriate to award interest @ 6% per annum from the date the amount is payable till the date the amount is paid i.e., from 17.8.1989 onwards. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, pending if any, shall stand closed.



---

**P. NAVEEN RAO, J**

Date: 11.07.2017  
KA