

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.735 of 2008

ORDER:

In this Writ Petition, under Article 226 of the Constitution of India, the petitioner seeks a direction to the respondents to extend the benefits of Regulation 30 (A) Part-I of the Andhra Pradesh State Electricity Board Service Regulations, to the petitioner.

2. I have heard the submissions of Sri S.Ravindranath, learned counsel for the petitioner and of Sri M.Ravindra, learned Standing Counsel for APEPDCL representing the respondents. I have perused the material record.

3. The case of the petitioner, as per the pleadings and submissions made before this Court, is that though she was holding the post of Junior Personnel Officer, she was posted as Incharge Personnel Officer of Pension Section and that she discharged the duties as Personnel Officer and attended to the additional duties and responsibilities of the post of higher pay and is, therefore, entitled to higher pay in terms of Regulation 30 (A) referred to *supra*.

4. The learned counsel for the petitioner brings to the notice of this Court that similar issues were considered by this Court in W.P.No.1085 of 2006 *vide* orders, dated 28.03.2006, and W.P.No.12568 of 2006 *vide* orders, dated 23.06.2006, and that therefore, the issue is squarely covered and hence, the case of the petitioner herein deserves similar consideration by this Court. The learned counsel for the petitioner also

brings to the notice of this Court that a Division Bench of this Court, by orders, dated 06.09.2010, passed in W.A.No.683 of 2010, confirmed the orders of the learned single Judge in W.P.No.12568 of 2006, and that another Division Bench also refused to interfere with the orders of the learned single Judge *vide* orders, dated 27.04.2011, passed in W.A.No.320 of 2010, after having taken note of the finality attained in respect of the orders, dated 28.03.2006, passed in W.P.No.1085 of 2006 and the further fact that the Co-ordinate Bench has declined to interfere with the judgment impugned in W.A.No.683 of 2010.

5. On the other hand, learned Standing Counsel for APEPDCL, while bringing to the notice of this Court the contentions in the counter affidavit of the official respondents, would submit that the pay scale of Junior Personnel Officer is a lower pay scale than that of the pay scale of Personnel Officer and that the petitioner herein proceeded on medical leave during the period between 24.04.2006 to 18.08.2007 and that having joined duty on 19.08.2007, she retired from service on attaining superannuation and that, therefore, the said aspect needs consideration while extending the benefits of Regulation 30 (A) Part-I of the Andhra Pradesh State Electricity Board Service Regulations, Part-I, to the petitioner.

6. Having regard to the submissions and the fact that the answer to the issue involved in the present writ petition is no longer *res integra* since squarely covered by the decisions of this Court in the earlier writ petitions and writ appeals referred to *supra*, this Court, following the

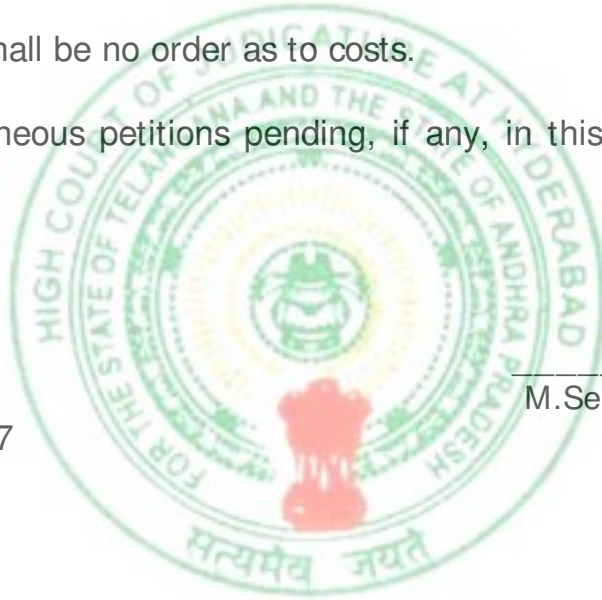
same, deems it apposite to dispose of this writ petition with the following directions.

7. Resultantly, the writ petition is allowed directing the respondents to fix the pay scale of the petitioner in terms of Regulation 30 (A) Part-I of the Andhra Pradesh State Electricity Board Service Regulations, Part-I, within a period of six (06) weeks from the date of receipt of a copy of this order and take further steps in accordance with the procedure established by law, however, after taking into consideration the period of medical leave availed by the petitioner.

There shall be no order as to costs.

Miscellaneous petitions pending, if any, in this writ petition shall stand closed.

08th March, 2017
Bvv



M.Seetharama Murti, J