

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.25344 OF 2017

ORDER :

This Writ Petition is filed for the following relief:

“to issue a writ, order or direction more particularly one in nature of writ of *Mandamus* declaring the impugned action of the 2nd respondent in issuing the impugned proceedings in Lr.No.Pay Officer/APSPDCL/TPT/JAO-I/D.No.329/17, dated 02.03.2017, rejecting representation of the petitioner for revised Pay Scales of 2014 and further action of the 2nd respondent in issuing the impugned proceedings No.Pay Officer/APSPDCL/TPT/JAO-I/D.No.776/17, dated 15.07.2017, straightaway cancelling the earlier proceedings No.Pay Officer/APSPDCL/TPT/JAO-I/D.No.794/17, dated 31.01.2013, where under the petitioner was extended with Revised Pay Scales 2002, Revised Pay Scales 2006 and Revised Pay Scales 2010 without giving opportunity to the petitioner and further action of the 2nd respondent in again issuing impugned proceedings No.Pay Officer/APSPDCL/TPT/JAO-I/D.No.794/17, dated 19.07.2017, cancelling the earlier proceedings No. Pay Officer/APSPDCL/TPT/JAO-I/D.No.776/17, dated 15.07.2017, wherein the petitioner was allowed pay fixation w.e.f.08.08.2001, thereby fixing the petitioner’s pay at Rs.10,400/- now as on 04.06.2009, while the pay of the petitioner as per the earlier fixation stand at Rs.48,908/- and allowances and further action for recovery of amounts drawn by petitioner towards salaries, without any notice or opportunity is highly illegal, arbitrary and violative of Article 14 of the Constitution of India, apart from violative of principles of natural justice and pass such order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

Admittedly, though counter and vacate petition is filed, the assertion of the petitioner that the impugned proceedings were issued without notice, is not disputed. The impugned order which adversely affects the petitioner cannot be passed without putting the petitioner on notice. As such, only on the ground of violation of

principles of natural justice, the impugned proceedings No. Pay Officer/APSPDCL/TPT/JAO-I/D.No.794/17, dated 19.07.2017, is set aside. However, this will not preclude the competent authority from taking action after issuing notice to the petitioner, in accordance with Rules.

Accordingly, the writ petition is allowed. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

24.10.2017
t k.



A.RAJASHEKER REDDY, J