

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD  
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA  
PRADESH

[Special Original Jurisdiction]

THURSDAY THE FIFTEENTH DAY OF JUNE  
TWO THOUSAND AND SEVENTEEN

PRESENT  
**HONOURABLE SRI JUSTICE SURESH KUMAR KAIT**  
**AND**  
**HONOURABLE DR.JUSTICE SHAMEEM AKTHER**

WP.No. 14302 OF 2008

Between:

T.V. Raghavacharyulu ... Petitioner

V/s.

The District Educational Officer,  
Guntur,  
Guntur District & Ors. ... Respondents

Counsel for the Petitioner: Sri Ch. Jagannatha Rao

Counsel for the Respondents: G.P. for Services [AP]

The court made the following: [order follows]

**HON'BLE SRI JUSTICE SURESH KUMAR KAIT**

**A N D**

**HON'BLE DR. JUSTICE SHAMEEM AKTHER**

**WRIT PETITION No. 14302 OF 2008**

**ORDER** : ( *Oral, Per Hon'ble Sri Justice Suresh Kumar Kait*)

Vide the present writ petition, the petitioner has assailed the order dated 04/12/2007 passed by the A.P. Administrative Tribunal, Hyderabad in O.A.No. 5719 of 2004 and seek direction to quash the proceedings in LDis.No. 450/A-1-2/2004, dated 07/4/2004 issued by the first respondent as illegal, null, void and consequently to declare that the petitioner is entitled for stepping up of his pay on par with his juniors in terms of G.O.Ms.No. 297, dated 25/10/1983 as well as under F.R.No. 22 [B] and 27 with all consequential benefits by holding the action of the respondents in not stepping up of his pay on par with his juniors.

2. The case of the petitioner is that he was appointed as Grade-II Telugu Pandit w.e.f. 26/11/1969. Thereafter, he

was promoted as Grade-I Telugu Pandit from 04/9/1976.

Subsequently he retired from service on 31/10/2003

after attaining the age of superannuation. Whereas one

Sri K. Chandramouli, junior to the petitioner was appointed as

Grade-II Telugu Pandit on 12/10/1970. Thereafter, the said

junior was promoted as Grade-I, Telugu Pandit from

07/10/1983. Subsequently, in the seniority list of Grade-I

Telugu Pandits the name of the petitioner was shown at serial

No. 63 whereas the said junior's name was shown at serial

No. 105. Due to award of ten years special promotion scale,

the junior's pay was fixed at Rs.7.10/- w.e.f. 01/12/1982.

Thereafter, consequent upon his promotion as Grade-I

Telugu Pandit from 07/10/1983 the junior's pay was fixed at

Rs.710 + 11 in the cadre of Grade-I Telugu Pandit under F.R.

22 [b], whereas the petitioner's pay was fixed at Rs.700/- in

the scale of Rs.7.00-1200 as on 01/12/1982.

3. Learned counsel for the petitioner submits that after promotion of the petitioner as Grade-I Telugu Pandit, the

aforesaid junior was given Special Grade Scale after completion of ten years of service in the post of Grade-II Telugu Pandit. Thereafter, consequent upon promotion as Grade-I Telugu Pandit, the aforesaid junior's pay was fixed at Rs.710 + 11 as on 07/10/1983 in the cadre of Grade-I Telugu Pandit under F.R. 22 [b] in the scale of Rs.700/- to 1200/-.

Whereas the pay of the petitioner was fixed at Rs.700 + 20 in the cadre of Grade-I Pandit as on 07/10/1983 in the scale of Rs.700 to 1200.

4. Learned counsel further submits that to remove the pay anomaly, Government had issued G.O.Ms.No. 297, F & P, dated 25/10/1983 and decided that the pay of the senior should be stepped up w.e.f. the date of promotion of the junior, to a figure equal to the pay as fixed for the junior in the higher post to which he is promoted on or after 01/4/1982 subject to certain conditions mentioned therein. Therefore, in the terms of the said G.O., as well as under F.R. 22 [b] and 27, the pay of the petitioner has to be stepped up on par with

his junior. Therefore, to rectify the aforesaid anomaly, the Head Master, ZPHS, Mantenavaripalem recommended the name of the petitioner for stepping of his pay on par with his juniors in terms of the aforesaid G.O. as well as under F.R. 27 in his proceedings dated 02/10/2003. However, without considering the aforesaid G.O. and F.R. 22 [b] and 27, the first respondent had issued proceedings LDis.No. 450/A1-1/2004, dated 07/4/2004 in rejecting the claim of the petitioner for stepping up of his pay on par with his junior. There are no Government orders if the junior's pay was fixed as per G.O.No. 330, dated 10/8/1983 in the Grade-I Pandit Scale, which is highly illegal, unjust and uncalled for.

5. While considering the rival contentions, the learned Tribunal held that Chandramouli, junior of the petitioner has not completed 15 years of service by 01/4/1981, as he was appointed on 12/10/1970. Para No.2 [e] of G.O.Ms.No.297 specifically limits the benefit under the said G.O. to the cases of anomalies resulting from G.O.Ms.No. 117 F & P dated

25/5/1981 and G.O.Ms.No. 4 F & P dated 07/1/1983. On the other hand, the respondents state that the disparity between the pay of the petitioner and the said Chandramouli was on account of the pay fixation done consequent on the up-gradation of the posts of Grade-II Telugu Pandits who are having requisite qualifications of Grade-I post in terms of G.O.Ms.No. 330, dated 10/8/1983 as amended in G.O.Ms.No. 530, Education, dated 10/3/1984. Accordingly, the Tribunal held that as per G.O.Ms.No. 297, dated 25/10/1983 that parity with a junior who has got both Special Grade and Special Promotion Post having completed 15 years of service by 01/4/1981 is covered by the said G.O. since the said Chandramouli was a beneficiary of G.O.Ms.No. 330, dated 10/8/1983, the request of the petitioner for re-fixation of his pay in terms of G.O.Ms.No. 297 does not stand for scrutiny. Accordingly, O.A., filed by the petitioner was dismissed.

6. Heard the learned counsel for the parties.

7. For the sake of convenience, G.O.Ms.No. 297, Finance and Planning [Fin.Wing.PRC-I] Department, dated 25/10/1983 is extracted as follows:

*“ It has been represented to Government that a junior who is promoted to a higher post after getting the benefit of Special Grade and the Special Promotion Post having completed 15 years of service by 01/4/1981 and got more pay than his senior in the same category, who got promotion to the higher post without benefit first appointed to Special Grade and Special Promotion Post and that his anomaly should be rectified.*

*2. Government have examined the issue and in order to remove the above anomaly hereby order that in cases of the above type, the pay of the senior should be stepped up with effect from the date of promotion of the junior, to a figure equal to the pay fixed for the junior in the higher post to which he is promoted on or after 01/4/1981 subject to the following conditions :*

*a) both the senior and junior should have been drawing pay in an identical scale.*

*b) the senior as well as the junior should be promoted to the same category of post carrying the same scale of pay.*

*c) the pay of the junior in the lower category should have been less than or equal to that of the senior in the lower category prior to promotion of the senior to the higher post.*

*d) once the pay of the senior is re-fixed under F.R. 27 on par with that of the junior in the identical scale of pay, the next increment of the senior will be admissible only after completion of the required period of service to earn an increment with effect from the date of re-fixation of pay.*

*e) the anomaly should be directly as a result of the application of the orders issued in G.O. read above. If not for example, if even in the lower post than the senior for any reason, such as grant of advance increments for merit or as reward or under some such circumstances, there is no case to raise the pay of the senior in the higher post to be equal to that of his junior under these orders and therefore, these orders would not be applicable in such cases and*

*f) in all cases affected by this order, the pay shall be fixed notionally from the date of junior got a pay higher than that of the senior in the higher post with post with monetary benefit from the date of these orders."*

8. As per the aforesaid G.O., it appears that the said G.O. is applicable in cases where junior is promoted to a higher post after getting the benefit of Special Grade and the Special Promotion Post having completed 15 years of service by 01/4/1981.

9. It is not in dispute that the petitioner was promoted as Grade-I Telugu Pandit w.e.f. 04/9/1976. Whereas Mr.Chandramouli, who was junior to the petitioner was promoted as Grade-I Telugu Pandit w.e.f. 07/10/1983. Thus, the said Chandramouli is seven years junior to the petitioner.

10. Moreover, G.O.Ms.No. 297, Finance and Planning Department, dated 25/10/1983 does not create bar for stepping up of senior on par with junior in case of a junior, who is promoted to a higher post after getting the benefit of Special Grade and the Special Promotion Post having completed 15 years of service by 01/4/1981 and got more pay than his senior in the same category, who got promotion to the higher post without being first appointed to Special Grade and Special Promotion Post and that this anomaly should be rectified. Government after examining the issue and in

order to remove the above anomaly ordered that in cases of the above type, the pay of the senior should be stepped up with effect from the date of promotion of the junior to a figure equal to the pay as fixed for the junior in the higher post to which he is promoted on or after 01/4/1981. In the present case also, the petitioner was promoted as Grade-I Telugu Pandit w.e.f. 04/9/1976, whereas K.Chandramouli was promoted as Grade-I Telugu Pandit w.e.f. 07/10/1983. Admittedly, the petitioner and Chandramouli were in similar Grade-I Telugu Pandit. However, Chandramouli, getting pay scale of Rs.710 + 11 in the cadre of Grade-I Telugu Pandit under F.R. 22 [b] w.e.f. 01/12/1982, whereas the petitioner being senior was getting the pay scale of Rs.710/- to 1200/-.

11. In view of the above discussion, we hereby set aside the impugned order dated 04/12/2007 passed by

the A.P. Administrative Tribunal, Hyderabad in O.A.No. 5719 of 2004 and the proceedings LDis.No. 450/A1-1/2004, dated 07/4/2004 issued by the first respondent and accordingly the writ petition is allowed. Since the petitioner has already been retired from service on attaining the age of superannuation, the respondents are directed to fix the pay of the petitioner at Rs.710 + 11 on par with his junior, Mr.K.Chandramouli, w.e.f. 01/12/1982 under F.R. 22 [b] with all consequential benefits and disburse the same in favour of the petitioner including the other benefits attached to the retirement.

12. We hereby make it clear that the respondents shall complete the exercise within six weeks from the date of receipt of a copy of this order.

13. In view of the above, this writ petition is allowed. There shall be no order as to costs.

14. As a sequel, pending miscellaneous petitions, if any, shall stand closed.

---

*JUSTICE SURESH KUMAR KAIT*

---

*DR. JUSTICE SHAMEEM AKTHER, J*



15-06-2017.  
IsL

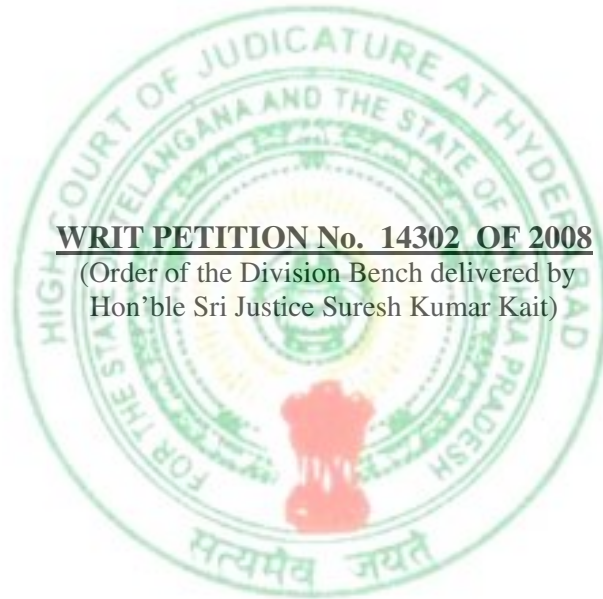
NB : Furnish CC tomorrow

**HON'BLE SRI JUSTICE SURESH KUMAR KAIT**

**A N D**

**HON'BLE DR. JUSTICE SHAMEEM AKTHER**

**271**



**WRIT PETITION No. 14302 OF 2008**

(Order of the Division Bench delivered by  
Hon'ble Sri Justice Suresh Kumar Kait)

Date. 15-06-2017  
Court Master: I s L  
Computer No. 43  
Circulation No.