

**The Hon'ble Sri Justice C.V.Nagarjuna Reddy**  
**and**  
**The Hon'ble Smt. Justice Kongara Vijaya Lakshmi**  
**Writ Petition No.29136 of 2017**

**Date: 12.10.2017**

**Between:**

The State of Andhra Pradesh  
Higher Education Department  
A.P.Secretariat, Velagapudi, Guntur District  
Rep. by its (now working under the control  
of the School Education Dept.,) and 3 others

**... Petitioners**

**and**

Viswanath Panigrahi

**...Respondent**

**Counsel for the Petitioners:** Govt. Pleader for Services (AP)

**Counsel for the respondent:** Mr.K.Bhuma Rao

**The Court made the following:**



**Order:** (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

Order, dated 01-03-2017, in Review M.A.No.1622 of 2016 in OA.No.5199 of 2014 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad (for short 'the Tribunal') is called in question in this Writ Petition by the State and its functionaries belonging to the Higher Education Department.

The respondent filed OA.No.5199 of 2014 seeking setting aside of Proceedings No.VOC.I.B-1/251/2008, dated 02-06-2008, of petitioner No.2 whereby his claim for regularization as Part Time Junior Lecturer was rejected.

On behalf of the petitioners, a counter-affidavit was filed by the Deputy Director in the office of the Commissioner of Intermediate Education, Andhra Pradesh, wherein it was *inter alia* stated that the respondent worked as a Part Time Junior Lecturer in Radio and Television (vocational course) from 01-07-1992; that under G.O.Ms.No.352 Education (IE.1) Department, dated 01-10-1994, it is envisaged that in respect of the Part Time Junior Lecturers working in vocational stream in Government Junior Colleges, G.O.Ms.No.166 Education Department dated 08.06.1994, shall apply *mutatis-mutandis* for sanction of minimum

pay scale; and that they are entitled to be paid minimum time scale and also regularization subject to the following conditions:

- “(i) They should have put in 5 years of service as on 25-11-1990.
- (ii) They should have 16 hours of work load in a week
- (iii) They should be working in a regular vacancy
- (iv) They should possess prescribed qualification for the post of Junior Lecturer (Vocational Course); and
- (v) To extend the minimum pay of the pay scale to the posts.”

It is further stated in the counter-affidavit that as the respondent failed to satisfy the aforementioned requirements, his case for regularization was turned down. By a detailed order, dated 31-08-2016, the Tribunal has dismissed the OA with the following findings:

“Admittedly, since the applicant is working in the Government Junior College, Heeramandalam as Part-time Junior Lecturer (Vocational) from 1.7.1992, he has not completed five years of service by 25.11.1993 as such, he is not entitled for regularization of his services. The applicant was paid minimum time scale. The contention of the applicant that he is working as Part-time Junior Lecturer from 1989 cannot be accepted, since as per the certificate issued by the Headmaster, Zilla Parishad High School, Lolugu, Srikakulam District, the applicant worked as Vocational Instructor (R&TV Repairs) in the said school from 1989 to 1991 and was engaged from 1.7.1992 in the Government Junior College as such, the applicant has not completed five years of service as on 25.11.1993 as Part-time Junior Lecturer (Vocational) and has not put in 600 days as on 25.11.1993. In the show cause notice issued by the respondents, the applicant himself has admitted that he was engaged as Part-Time Junior Lecturer (Vocational) in the Government Junior College from 1.7.1992

and as such, he is not entitled for regularization of his services as per the GOs issued by the Government from time to time. The applicant is entitled for minimum time scale of pay which is being extended to him. In view of the above, the OA is devoid of merits and is liable to be dismissed and is accordingly dismissed. No costs.”

The respondent filed Review M.A.No.1622 of 2016 seeking review of the afore-mentioned order. By the impugned order, the Tribunal has allowed the same.

In the impugned order, the Tribunal has observed that the Certificates show that the respondent was engaged as Vocational Instructor in Zilla Parishad High School, Lolugu, Srikakulam District from 1992 to 1994 and worked as Junior Lecturer in Hiramandalam, Srikakulam District; that, in all, he has worked for 671 days and thereby, he satisfies the requirements in G.O.Ms.No.352, dated 01-10-1994; and that he is, accordingly, eligible to hold the post of Junior Lecturer as per G.O.Ms.No.101, dated 29-07-2006.

The grievance of the petitioners herein is that before disposing of the Review M.A., the Tribunal has not afforded them an opportunity of filing counter-affidavit with reference to the Certificates produced by the respondent. The learned Government Pleader argued that with reference to the same

Certificates on which the Tribunal has relied upon in the impugned order, it has earlier rendered a finding that the respondent has not completed 5 years of service as on 25-11-1993 as Part Time Junior Lecturer (Vocational) and that he has not put in 600 days as on 25-11-1993.

On a perusal of the impugned order of the Tribunal, it is evident that it has not referred to the details and contents of the Certificates, while rendering the finding on fact that the respondent has worked as Vocational Instructor in Zilla Parishad High School, Lolugu, Srikakulam District, from 1992 to 1994. In our opinion, such a reference is necessary, for, the Tribunal, on earlier occasion, has rendered a specific finding with reference to the Certificates produced by the respondent that he has not completed 5 years of service as on 25-11-1993. Further, the Tribunal ought to have given an opportunity to the petitioners to file a counter-affidavit in the Review M.A., before disposing of the same. In this view of the matter, the impugned order, dated 01-03-2017, in Review M.A.No.1622 of 2016 in OA.No.5199 of 2014, on the file of the Tribunal is set aside. The petitioners are permitted to file a counter-affidavit in Review M.A.No.1622 of 2016 within six weeks from the date of receipt of this order. After



such filing, the Tribunal shall dispose of the Review M.A.No.1622 of 2016 afresh, after hearing both parties.

The Writ Petition is, accordingly, allowed.

As a sequel, interim order, dated 30-08-2017, is vacated and WPMP.No.36267 of 2017, filed by the petitioners for interim relief, is disposed of.

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(C.V.Nagarjuna Reddy, J)

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(Kongara Vijaya Lakshmi, J)

Dt: 12<sup>th</sup> October, 2017  
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