

The Hon'ble Sri Justice V.RAMASUBRAMANIAN
and
The Hon'ble Sri Justice M. GANGA RAO
+ WRIT PETITION No.42647 OF 2017

Date:26.12.2017

Between:

%The District Educational Officer,
East Godavari District at Kakinada and others.

...Petitioner

Vs.

\$ K. Nageswara Rao S/o.Rama Murthy,
Aged about 58 years, S.G.T., M.P.P. Primary
School, Khammavari Lanka, H/o.Eedarada,
Mamidikuduru Mandal, East Godavari District,
P/o.Kadali Nageswara Rao, SGT, S/o.Rama Murthy,
Vadrevupalli, East Godavari District and others.

... Respondents

! Counsel for Petitioner : Government Pleader for
Services (AP)

^ Counsel for Respondents : Sri P.Veerabhadra Reddy

< Gist :

> Head Note :

? Cases Referred :



HON' BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

HON' BLE SRI JUSTICE M. GANGA RAO

WRIT PETITION No.42647 OF 2017

ORDER: (per V. Ramasubramanian, J)

Aggrieved by the order of the Tribunal extending certain benefits to the respondents herein, on the basis of orders passed by the Tribunal in favour of persons allegedly placed similar to the respondents, the State Government has come up with the above writ petition.

2. Heard the learned Government Pleader for Services (AP). Mr. P. Veerabhadra Reddy, learned counsel takes notice for the respondents.

3. The respondents were purportedly selected in the DSC of the year 1989 and were appointed on 05.08.1996. Their services were terminated on 24.02.2003, but the same was set aside by the Tribunal by an order dated 07.07.2010 in O.A. No.4381 of 2010.

4. The Government filed a writ petition in W.P. No.1185 of 2011, but the same was dismissed by this Court by an order dated 06.02.2013 on the short ground that the Government Pleader had actually conceded the case before the Tribunal.

5. Thereafter, the respondents were appointed on 11.12.2013 as fresh entrants and their request for payment of all benefits on par with others was rejected by the order dated 14.08.2014.

6. Without challenging the rejection order dated 14.08.2014 the respondents filed a fresh application in O.A. No.4394 of 2014 claiming the extension of the benefit of three Government Orders, namely, G.O.Ms. No.92, dated 08.08.2000, G.O.Rt.No.1149, dated 01.11.2003 and G.O.Ms.No.21, dated 18.05.2010, on the ground that they are

similarly placed as the beneficiaries of those Government Orders. The Tribunal allowed the application without any discussion as to how the respondents were similarly placed as the beneficiaries of the three Government Orders. Therefore, the Government has come up with the above writ petition.

7. The limited grievance of the State is that without even recording a finding whether the respondents were similarly placed as the beneficiaries of those three Government Orders, the Tribunal has allowed the application. This grievance appears on the face of it to be correct. There is no finding recorded as to how the respondents are similarly placed like the others. Therefore, the order of the Tribunal requires to be set aside and the matter remanded back to the Tribunal.

8. Accordingly, the writ petition is allowed and the impugned order is set aside and the matter is remanded back to the Tribunal. The Tribunal shall see whether the respondents are similarly placed and whether they are entitled to the benefits. It is open to both the parties to raise all objections.

9. As a sequel thereto, miscellaneous petitions, if any, pending shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

M. GANGA RAO, J

December 26, 2017
KTL