THE HON'BLE SRI JUSTICE P. NAVEEN RAO

CONTEMPT CASE No.2079 OF 2013

Dated:19.02.2018

Between:

T. Satyanarayana, S/o. Sri Tota Yadagiri,
Aged 41 years, Occ: Lab Attender,
R/o.H.No.3-4-527/1, Barkatpura,
Hyderabad .. Petitioner

And

Smt. Ranjeev R.Acharya, Principal
Secretary, Collegiate Education,
Secretariat Buildings, Secretariat,
Hyderabad, Telangana State and others .. Respondents

The Court made the following:

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ORDER:

Heard.

2. Writ Petition is instituted praying to grant direction to regularise his services and for grant of consequential benefits. This Court, by order dated 21.06.2012, directed the respondents to regularize services of petitioner with effect from 05.08.1992 and render all consequential benefits to him. However, enforcement of the said order has taken this long. Even now petitioner is not fully satisfied with reliefs granted by respondents. The docket proceedings would disclose there were 41 adjournments on various aspects of proper implementation of directions of this Court. However, Petitioner's services are regularized, arrears of amounts due and payable were paid and promotion as Junior Assistant was granted.

3. The limited area where learned counsel for the petitioner still contends that orders of this court are not complied, firstly, huge amount was deducted by the Management without furnishing details and having regard to history of discriminatory treatment meted out by the Management, there is no justification for the Management to deduct such huge amount even without informing the petitioner; Secondly, though petitioner is eligible for promotion as Senior Assistant and further promotion, the same is not granted and promotion is now confined only to the post of Junior Assistant.

4. The directions of the Court were to regularize services of the petitioner with effect from 05.08.1992 and render all consequential benefits to him. In terms there of services of petitioner must be regularized and benefits flowing out of such regularization should be paid. Regularization benefits would include pay fixation in the post regularized and granting of promotions as per the petitioner's turn and eligibility. According to the Management, there is no vacancy to grant promotion to the post of Senior Assistant, whereas according to learned counsel for the petitioner, petitioner ought to have been granted promotion as per his eligibility and turn when a vacancy arose and Management erred in granting promotion to another person. This is a matter which petitioner requires to agitate independently, more so when third party interests are involved, and no direction can be given straight away to grant promotion to the petitioner. Thus, with reference to claim of petitioner for further promotion, he is required to work out his remedies as available in law.

5. According to learned counsel for the petitioner, deduction of amount of Rs.9,35,440/- by the Management is highly arbitrary and whimsical and merely because salary was paid by the Management till his services were regularized, cannot be ground for the Management to take back the said amount unilaterally quantified by the Management.

6. There is some ambiguity with reference to the manner of crediting of amount payable to the employees admitted to grant-in-aid. Earlier, learned Special Government Pleader gave a statement before the Court that the amount will be credited to the

account of the petitioner. Learned counsel for the petitioner sought to contend, in view of the said statement, entire amount ought to have been deposited to the account of the petitioner only but not to the account of the Management. Learned Special Government Pleader explained the procedure which is followed by the Government in crediting the amounts and he would submit that this fact was not brought to the notice of the Court when a statement was made and on verification, the same was found that this is the regular procedure in crediting the amounts. The said statement is accepted.

7. Whether Management has arrived at correct figure on alleged amounts paid by Management earlier to his regularization and petitioner may have grievance with reference to such deduction, the amount deducted cannot be said as in violation of directions issued in the writ petition and petitioner must work out his grievance with the Management on this aspect.

8. Learned counsel for the petitioner further submits that while sanctioning arrears of amount to assess income tax deductions, the Government has taken the entire amount of arrears arrived at by them, whereas the actual amount paid is after deduction of Rs.9,35,440/- by the Management and to that extent, petitioner is not liable to pay income tax. Learned counsel for the respondent – College fairly submits that the Management would work out and adjust the income tax amount deducted by the Government and arrange to pay proportionate amount towards income tax deducted by the Government.

9. Lastly, learned counsel for the petitioner contends that though promotion was granted to petitioner, it is only on paper and so far, pay fixation is not done.

10. In response, learned counsel for the Management produced letter dated 08.02.2018 written by the College to the Commissioner of Collegiate Education furnishing service particulars and requesting to approve pay fixation statement. It appears, matter is pending consideration before the Commissioner. Learned counsel for the Management and learned Special Government Pleader submit that pay fixation issue will be sorted out soon and at any rate within six weeks.

11. With this, long drawn struggle of petitioner to get benefits are now resolved, though learned counsel for the petitioner is not satisfied with reliefs granted to petitioner. However, this Court is satisfied that the directions issued by the Court are complied. If petitioner has any grievance with reference to issue of further promotion and deduction of amounts by the Management, petitioner may independently work out his grievances.

12. The Contempt Case is accordingly closed.

Miscellaneous Applications, if any, filed in this Contempt Case shall stand closed.

P. NAVEEN RAO, J

Date:19.02.2018
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