

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P. No. 18795 of 2002

ORDER:-

This writ petition is filed seeking to issue a writ of *Mandamus* directing the respondents to pay salary of the petitioner by giving necessary increments as per pay scales existing from 1993 onwards for the period from 12.10.1993 to 21.01.1995 by declaring action of the respondents in not paying increments and arrears of salary, as arbitrary and illegal.

Heard Sri Kota Subbarao, learned counsel for the petitioner and Sri N. Vasudeva Reddy, learned counsel for the 1st respondent and the learned Government Pleader for Education appearing on behalf of the 2nd respondent and perused the material placed on record.

The brief facts of the case are that the petitioner was appointed as Attender in St. Jude's High School, Vikarabad on 01.09.1985. His services were regularized in aided post with effect from 01.01.1989 vide proceedings dated 20.03.1991. However, as the respondents did not permit the petitioner to join duty, he filed W.P.No. 21870 of 1994 seeking a direction to the respondents to permit him to join duty, and this Court, by order dated 05.10.1998, disposed of the writ petition with the following observations:

“In view of the above circumstances, as the petitioner is being continued in service, it is always open for the respondents to take appropriate disciplinary action against the petitioner as permissible under A.P. Educational Act, 1982 and the Rules made thereunder, and pass appropriate orders, in accordance with law.

With the above observation, the writ petition is disposed of. No costs.”

It is further averred that by virtue of the orders passed in W.P.No. 21870 of 1994, the petitioner is being continued, however he was not paid salary for the period from 12.10.1993 to 21.01.1995 and other benefits. It is also pleaded that respondent Nos.1 and 2 have filed counter affidavit stating that the issue is under settlement with the District Audit Officer, State Audit, Ranga Reddy District and it will see the light of the day in due course. It is further averred in the counter that the petitioner was deputed to William Moon High School, Tandoor by proceedings dated 29.11.1999 and re-deputed to work at the office of the Deputy Educational Officer, Vikarabad, by proceedings dated 28.12.2007. It is further submitted that the dispute is pending with the management with regard to settlement of arrears of pay to the petitioner for the gap period.

A perusal of the record reveals that specific averment is made that the issue raised in the present writ petition is under settlement with the District Audit Officer, State Audit, R.R.Dist and the fact that the 2nd respondent – Deputy

Educational Officer has admitted that the issue will be resolved in due course, but the grievance of the petitioner is that so far it has not been resolved, as such, an appropriate direction be issued to the respondents to pay salaries and other reliefs as claimed in the writ petition.

This Court, having considered the submissions of the learned counsel for the petitioner, is inclined to dispose of the writ petition directing the respondents to pass orders to the effect whether the petitioner is entitled to payment of salaries for the period from 12.10.1993 to 21.01.1995, increments and pay revision, within a period of four weeks from the date of receipt of a copy of this order.

With the above observations, the writ petition is disposed of. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

ABHINAND KUMAR SHAVILI, J

30.08.2018

bcj