

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.P.No.2301 of 2018

ORDER:

Heard the learned counsel for the petitioner, learned Government Pleader for School Education appearing for 3rd respondent and Sri N.Subba Rao, learned counsel for 5th respondent.

2. The petitioner in the Writ Petition has approached this Court challenging the action of the respondents in not taking action against 5th respondent for not submitting petitioner's salary bill along with that of other teachers who are working in the K.M.P.A.U.P.School, Uzilipeta, Chirala village and Mandal, Prakasam District, in spite of direction given by 3rd respondent on 06-10-2017.

3. The petitioner had earlier worked from 2003 in N.J. Aided Primary School, Bose Nagar, Chirala, Prakasam District. Thereafter, she was transferred on 03-11-2016 to the K.M.P.A.U.P.School, Uzilipeta, Chirala village and Mandal, Prakasam District, where she joined in an existing aided vacancy.

4. The Correspondent of the K.M.P.A.U.P.School died and a Special Officer-cum-Mandal Education Officer was appointed by 3rd respondent.

5. Petitioner contends that though 5th respondent was junior to all the teachers working in the school, she is harassing the

petitioner and other teachers by keeping all the records in her custody and control and not sending petitioner's salary bill along with that of other teachers to 3rd respondent. It is also stated that on 06-10-2017, 3rd respondent, on a representation of the petitioner, directed respondent Nos.4 and 5 to submit salary bills in one stretch; but in spite of the same, 5th respondent not only did not allow the petitioner to sign on the Attendance Register, but has not submitted her salary bills.

6. The proceeding dt.06-10-2017 issued by 3rd respondent makes it clear that the petitioner was transferred to K.M.P.A.U.P.School, Uzilipeta, Chirala village and Mandal, Prakasam District, but 5th respondent is not submitting the salary bill of the petitioner, that this is irregular and that 5th respondent should submit petitioner's salary bill also along with that of all other teachers in one bill.

7. On 08-02-2018, this Court directed 5th respondent to submit salary bills of the petitioner to 3rd respondent forthwith and on receipt thereof, 3rd respondent was directed to release the salary to the petitioner within one week.

8. I.A.No.2 of 2018 is filed to vacate the said order.

9. Learned Government Pleader for School Education appearing for 3rd respondent has filed a counter affidavit supporting the stand of the petitioner and asserts that it is the 5th respondent's

duty to prepare salary bills with counter signatures of the Special Officer, but the 5th respondent was not including the salary bill of the petitioner deliberately with an intention to humiliate the petitioner and on 06-10-2017, 3rd respondent specifically instructed 5th respondent to submit the salary bill of the petitioner but she failed to do so. It is stated that 5th respondent gave an explanation stating that the petitioner did not submit the Last Pay Certificate (LPC) attested by the Correspondent of the earlier school and that 3rd respondent then clarified on 08-12-2017 that the Special Officer-cum-Mandal Education Officer of the N.J. Aided Primary School, Chirala, where the petitioner earlier worked, had issued LPC for the petitioner and the Correspondent of the said school was under suspension at the time of the issuance of the LPC. The 3rd respondent has also filed proceedings and also filed the pay bills submitted for the month of December 2017 containing the signature of 5th respondent as well as 4th respondent apart from salary statement of all the other teachers signed by respondent Nos.4 and 5 but not mentioning therein the name of the petitioner.

10. Sri N.Subba Rao, learned counsel for the 5th respondent however contends that in view of Sections 24 and 25 of the A.P. Education Act, 1982, 5th respondent who is Head Mistress is not bound to submit the salary bills of the employees and therefore no direction could have been given by this Court to 5th respondent to send

the salary bill of the petitioner to 3rd respondent for payment of petitioner's salary.

11. It is important to note that no explanation is forthcoming from 5th respondent why the 5th respondent prepared the salary bill for December 2017 with her signature including the names of herself and three other teachers in the said school but excluding the petitioner from the said list. If it was really not the responsibility of 5th respondent to prepare salary bills as is contended, then she could not have prepared the pay bill for December, 2017 or the salary statement and submitted it to 3rd respondent.

12. Obviously because the Manager of the K.M.P.A.U.P. School is no more and 5th respondent claiming to be his relative, though junior most, is functioning as Head Mistress, her assistance was taken for preparation of salary bills by 4th respondent and she never had any objection thereto previously. So it is not open to her to do a volte face when it comes to the case of the petitioner and refuse to submit petitioner's salary bill to 3rd respondent.

13. In fact, the only reason given by 5th respondent in her explanation to 3rd respondent for non-submission of petitioner's salary bill was that the LPC of the petitioner from the earlier school where the petitioner earlier worked was not attested by the Correspondent of the school and that was why she did not forward her salary bill. When that was clarified by 3rd respondent on 08-12-2017, the 5th respondent

could not have disobeyed the directive of 3rd respondent and acted contrary thereto.

14. Therefore I see no reason to vacate the order dt.08-02-2018 made in W.P.No.2301 of 2018. Therefore, I.A.No.2 of 2018 is dismissed.

15. Accordingly, the Writ Petition is allowed; the action of 5th respondent in disobeying the directive issued by 3rd respondent to submit the salary bills of the petitioner along with all the other teachers working in the K.M.P.A.U.P. School is declared as illegal, arbitrary and violative of Article 14 of the Constitution of India; the 5th respondent is directed to submit the salary bills of the petitioner to 3rd respondent every month without fail; and 3rd respondent shall then process the salary payable to the petitioner and pay the same to the petitioner. The respondent Nos.1 to 3 shall also take note of the actions of the 5th respondent in disobeying the directive of the 3rd respondent and initiate appropriate action against 5th respondent under the provisions of the A.P. Education Act, 1982. No costs.

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

JUSTICE M.S.RAMACHANDRA RAO

Date: 22-02-2018
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