

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

WRIT PETITION No.6764 of 2012

ORDER:

Heard the learned counsel for petitioner. None appears for respondent Nos.1 and 2 though the name of Ms.V.Himabindu, learned Standing Counsel for respondents is printed in the cause list.

2. The petitioner was appointed as a Lecturer in the Philosophy Department in the 1st respondent University in January, 1976 after undergoing selection process.

3. The University Grants Commission introduced Merit Promotion Scheme to enable the senior lecturers to move to higher cadres under the said scheme.

4. The 1st respondent University issued a circular calling for applications from those teachers who have put in 8 years of continuous service with Ph.D. or 15 years of continuous service without Ph.D. as on 30-04-1986 in the cadre of lecturer or Reader to be promoted to the respective higher cadres of Readers or Professors. Though petitioner possessed the Ph.D. qualification and was eligible, petitioner was not given the said benefit and others who do not possess the minimum qualifications were given the benefit.

5. Petitioner and another lecturer filed W.P.No.8802 of 1988 before this Court challenging the action of respondents in selecting the private respondents therein and not the petitioners and other persons

as Readers under the Merit Promotion Scheme at the interview held on 06-05-1988 and 09-05-1988 and sought a direction to respondents to consider their case for promotion to the post of Readers under the Merit Promotion Scheme.

6. When the said matter was listed before this Court on 12-02-1996, learned Standing Counsel for respondents produced proceedings No.E.11(5)/1993(MPS) dt.22-07-1995 to the effect that both petitioners therein were promoted as Readers w.e.f. 19-01-1984 and 06-03-1986 respectively. Therefore the said Writ Petition was closed recording the same on 12-02-1996.

7. Petitioner contends that his salary should have fixed on par with 1988 promotes and increments should be sanctioned to him on par with them since his promotion as Reader under Merit Promotion Scheme was w.e.f. 19-01-1984. The petitioner was later promoted as Professor w.e.f. 27-07-1998 under the Career Advancement Scheme.

8. One grievance of the petitioner is that his pay was not fixed either in the post of Reader or in the post of Professor by adding increments and respondents cannot keep quiet and allow the petitioner to retire and do nothing about it thereafter.

9. It is also the contention of the petitioner that he was not paid salary from May, 2000 till March, 2002 and that petitioner is entitled to the same for the said period of 23 months.

10. Thirdly, petitioner also seeks payment of pension and other retirement benefits including gratuity, leave salary and commutation of pension.

11. Petitioner had given representation to the 1st respondent on 21-10-2000 regarding re-fixation of his salary and payment of salary for the months of July, 2000 to October, 2000, representation dt.24-01-2001, 29-06-2006, 19-07-2007, 18-08-2010 and 31-12-2011, but there is no response to any of these representations by the respondents.

12. Though this Writ Petition has been pending since 2012, the respondents have not even chosen to file a counter-affidavit and the learned Standing Counsel for respondents has not chosen to appear and argue the matter. Therefore, it is deemed that the respondents have no answer to the contentions of the petitioner.

13. Accordingly, the Writ Petition is allowed; respondents are directed to fix the pay of petitioner in the post of Reader as well as Professor by adding increments due to the petitioner; pay to petitioners arrears of salary from May, 2000 to March, 2002; fix the pension and pay retirement benefits including gratuity, leave salary and permit commutation of pension. This exercise shall be completed within one month from the date of receipt of copy of this order. The respondents shall also pay costs of Rs.5,000/- (Rupees Five Thousand only) to the petitioner.

14. As a sequel, miscellaneous applications pending, if any, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 20-12-2018
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