

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No. 5736 of 2018

ORDER:

The Writ Petition is filed seeking a Mandamus to declare that the petitioners are entitled for fixation of their seniority with effect from December, 2012 on par with less meritorious candidates, who are appointed in DSC-2012 and, grant consequential benefits, like arrears of salary and fixation of Revised Pay Scales, 2015 taking their date of joining as prior to 01.07.2013 and extending all monetary benefits accrued as per Proc.Rc.No.B1/3158/2016, dated 29.08.2017.

2. Heard the learned counsel for the petitioners and the learned Government Pleader for Services appearing for the respondents.

3. Learned counsel for the petitioners submits that the subject matter of this writ petition is squarely covered by the common order dated 05.11.2015 passed in OA No.4803 of 2015 & batch on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad, wherein the Tribunal, while allowing the OAs and W.P. No.26518 of 2017, recorded the submissions of the learned Government Pleader, which reads as under:

“At the hearing, the learned Government Pleader for Services (TS) appearing for respondent Nos.1 to 3 has placed before us proceedings in Rc.No.B1/3158/2016, dated 29.08.2017, of respondent No.1, wherein, while fixing notional seniority of the petitioners on par with DSC-2012 candidates basing on their joining date, he has directed the Head Masters concerned to implement the order of the Tribunal with all the consequential benefits i.e. arrears of salary and fixation of pay in Revised Pay Scales, 2015 by taking their date of joining prior to 01.07.2013 and extending all the monetary benefits and to submit compliance report. The learned counsel for the petitioners has

expressed the apprehension that the official respondents may take unreasonably long time to implement the direction to pay the monetary benefits. The learned Government Pleader has submitted that in order to pay the monetary benefits, the Head Masters concerned have to fix the pay of the petitioners in Revised Pay Scales, 2015 and this process would be completed within six weeks from today.

In the light of the above, the Writ Petition is disposed of, placing on record the submission of the learned Government Pleader regarding the time schedule within which the pay fixation is done and the monetary benefits are extended to the petitioners.”

4. Having regard to the facts and circumstances of the case, and taking into consideration the submissions made by the learned counsel for the petitioners to extend similar benefit to the petitioners herein also, I am of the view that the petitioners are entitled for notional fixation of pay as per Revised Pay Scales, 2015.

5. Accordingly, the Writ Petition is disposed of directing the respondents to fix the pay scales of the petitioners as per Revised Pay Scales, 2015 notionally, within six (6) weeks from the date of receipt of the copy of the order. No costs.

6. Miscellaneous petitions pending, if any, shall also stand disposed of. No order as to costs.

M.S.RAMACHANDRA RAO,J

Date:21.02.2018

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