

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION No.19750 OF 2015

ORDER: (per Hon'ble Sri Justice Sanjay Kumar)

The Director of Intermediate Education, Andhra Pradesh, and the Principal, TNC Government Junior College, Kovur, Nellore District, filed this writ petition aggrieved by the order dated 26.12.2011 passed by the Andhra Pradesh Administrative Tribunal, Hyderabad, in O.A.No.3175 of 1994. The said O.A. was filed by the first respondent herein to declare the orders dated 27.06.1994 and 28.06.1994 passed by the Principal, TNC Government Junior College, Kovur, as illegal and to restore his regularization in service.

The first respondent-applicant was appointed as a Lab Attender on a consolidated pay of Rs.650/- per month *vide* proceedings dated 08.01.1992 of the Principal, TNC Government Junior College, Kovur. He was granted time scale of pay under proceedings dated 01.02.1993 of the Principal. He was also sanctioned an increment on 24.01.1994. However, the Principal thereafter issued notice dated 18.06.1994 calling upon the first respondent-applicant to show cause as to why the earlier orders should not be cancelled. The first respondent-applicant submitted his explanation on 25.06.1994, but the Principal issued the impugned proceedings dated 27.06.1994 and 28.06.1994 canceling the earlier orders passed by him granting regular scale of pay to the first respondent-applicant and again placing him on a consolidated pay of Rs.650/- per month. It is against these orders that the first respondent-applicant approached the Tribunal.

The Tribunal placed reliance on the judgment dated 25.06.2001 passed by a Division Bench of this Court in W.P.No.9137 of 1998 and batch. We are informed that this order was confirmed by the Supreme Court when the Civil Appeals preferred against the same were dismissed *vide* order dated 05.10.2010. It is on the strength of this Division Bench judgment that the Tribunal allowed the O.A. and directed the authorities to restore the regular time scale of pay granted to the first respondent-applicant, which is attached to the post of Lab Attender, with all consequential benefits. The Tribunal also made it clear that he would not be entitled for regularization of service but would be entitled to the benefit of regular scale of pay attached to the post of Lab Attender. This was in keeping with the observation made by the Division Bench in the order that was relied upon to the same effect.

In that view of the matter, we find no grounds to interfere with the order under challenge. It is not open to the authorities, having suffered an order in an identical matter, to again seek to reopen the same issue despite the Supreme Court affixing its imprimatur of approval thereon.

The writ petition is devoid of merit and is accordingly dismissed.

Interim order dated 01.07.2015 shall stand vacated. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

M. GANGA RAO, J

Date: 19.09.2018
PGS