

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.12624 OF 2002

ORDER

This Writ Petition is filed seeking to issue a Writ of Mandamus directing the respondents to regularize the services of the petitioner by approving and ratifying the services with effect from 10-12-1985 in grant-in-aid post of Office Attender, and consequently to pay all service benefits including arrears of pay after fixing his pay in the up to date revised pay scales with all back wages with effect from 10-12-1985 with all consequential and attendant benefits.

Heard Sri B.M.Patro, learned counsel appearing for the petitioner, learned Government Pleader appearing for Higher Education and Sri Ganta Sridhar, learned counsel appearing for the 4th respondent-College.

It is the case of the petitioner that initially, he was appointed as Office Peon in the 4th respondent-college on 15.11.1973 and his post was admitted into grant-in-aid with effect from 01.07.1977. Thereafter, he was promoted as Office Attender in grant-in-aid. While, discharging his duties as such, the 4th respondent *vide* proceedings dated 10.12.1985 dismissed him from service. The petitioner had pursued his remedies under the A.P. Education

Act, 1982, and filed a revision before the 1st respondent-State Government, which, in turn, *vide* order dated 23.01.1995 set aside the order of dismissal. In pursuance of the order passed by the 1st respondent, the petitioner was reinstated into service on 01.02.1995 by the 4th respondent. However, pay scales and other benefits were not extended to the petitioner on the ground that the 4th respondent-Management is seeking further instructions from the official respondents. It is further case of the petitioner that the 2nd respondent has called for a report from the 4th respondent *vide* proceedings dated 06.02.1995 through the 3rd respondent to take necessary action as to the sanction of posts. But, no action has been taken to regularize the services of the petitioner from the date of dismissal till the date of his reinstatement. Hence, the writ petition.

Learned counsel appearing for the petitioner submits that the petitioner had retired from service on 31.10.2008 on attaining the age of superannuation and thereafter, he expired on 20.02.2017 and his wife has been brought on record as his legal representative. Learned counsel further submits that the respondents be directed to regularize the services of the deceased petitioner from the date of his dismissal till the date of reinstatement and subsequent pay revision should be extended to the deceased petitioner.

Learned counsel appearing for the 4th respondent contends that they have submitted a representation to the official respondents to regularize the services of the petitioner from the date of his dismissal till the date of reinstatement and grant consequential benefits.

Learned Government Pleader contends that unless and until proposals are received from the 4th respondent, the official respondents cannot act and regularize the services of the deceased petitioner.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that this Writ Petition can be disposed of directing the 4th respondent to submit fresh proposals in respect of the deceased petitioner for regularizing his services from the date of dismissal i.e., 10.12.1985 till the date of reinstatement i.e., 1.12.1995 and grant revised pay from 30.10.2008.

Accordingly, the Writ Petition is disposed of directing the 4th respondent to submit fresh proposals in respect of the deceased petitioner for regularizing his services from the date of dismissal i.e., 10.12.1985 till the date of reinstatement i.e., 01.12.1995. On such receipt of proposals from the 4th respondent, the official respondents shall consider the same

and pass appropriate orders within a period of four weeks thereafter. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

14th August, 2018
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