

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.16884 of 2007

ORDER:

This writ petition is filed seeking the following relief:

“to issue any writ, order or direction particularly one in the nature of writ of Mandamus direct all the respondents herein to pay the entire arrears of salary by duly releasing the increments and by applying the revised pay scales together with interest @18% per annum and pass such other order or orders as this Honourable Court deems fit and proper in the circumstances of the case.”

During the pendency of the writ petition, the petitioner has sought amendment of the prayer to the following effect:

“ .. to permit the petitioner to amend the prayer by adding “by implementing the proceedings No.Pc.No.566/A3/2009, dt.28.05.2011 of the 2nd respondent and to pay all the retirement benefits including pension”, after the words ‘Revised Pay Scales’ and before the words “together with interest” and pass such other order or orders may deem fit and proper in the circumstances of the case.”

Heard Sri P.B.Vijaya Kumar, learned counsel for the petitioner, Sri SBharat Kumar, learned counsel for the 4th respondent college and the learned Government Pleader for Education.

It is submitted by the petitioner that she was appointed as Junior Lecturer in Telugu in the 4th respondent college on 3.10.1981 and her appointment was also approved by the competent authority. While she was working in the said college, the post held by the petitioner was admitted into grant in aid vide G.O.Ms.No.170 dated 12.7.1990 with effect from 16.4.1990 and ever since, she has

been discharging her duties without any complaints. It is further submitted by the petitioner that while she was working as Lecturer, the State Government vide G.O.Ms.No.453 dated 31.7.1996 appointed her as a member of the District Consumer Forum on honorarium of Rs.2000/- . The petitioner had worked there only for two months and resigned the said post and thereafter, joined the post of Junior Lecturer. A show-cause notice was issued to the petitioner on 9.9.1996 stating that she was absent from duty and performing two full time jobs. The petitioner submitted explanation to the said show cause notice. The 4th respondent vide proceedings dated 27.8.1997 imposed a punishment of stoppage of one increment with cumulative effect. Challenging the same, the petitioner filed an appeal before the 2nd respondent-Regional Joint Director of Higher Education, Warangal, and the 2nd respondent had passed orders on 23.3.1998 setting aside the punishment imposed by the 4th respondent and directed to treat the absence period of two months as leave. In spite of the same, the 4th respondent had not regularized the services of the petitioner for the period she was out of employment for two months.

Learned counsel for the petitioner had contended that since the 4th respondent college had not complied with the orders of the 2nd respondent, the post of Junior Lecturer held by the petitioner was transferred from 4th respondent college to the 5th respondent college and the petitioner has been transferred to the 5th respondent college along with the post and retired from service on 31.10.2008, in the 5th respondent college, during the pendency of this writ petition. Learned counsel for the petitioner further

contended that as the 4th respondent college had not complied with the orders passed by the 2nd respondent, the pensionary benefits of the petitioner were not settled and to that effect the petitioner had submitted a representation to the 2nd respondent and the 2nd respondent passed orders on 28.5.2011 directing the 4th respondent to comply with orders, but, so far the 4th respondent college did not comply with the same.

Learned counsel appearing for the 4th respondent had contended that the 4th respondent college would comply with the orders passed by the 2nd respondent and send proposals to the 5th respondent college to enable the petitioner to receive pension.

Learned Government Pleader appearing for the official respondents had contended that the 4th respondent college should forward the proposals to the 5th respondent college and the 5th respondent would process the pension proposals to settle the pensionary benefits of the petitioner.

Accordingly, the Writ Petition is disposed of directing the 4th respondent college to comply with the orders passed by the 2nd respondent dated 28.5.2011 within a period of two weeks from the date of receipt of a copy of this order and upon such compliance, the 5th respondent college shall process the pension proposals of the petitioner and thereafter, the official respondents shall pass appropriate orders for grant of pensionary benefits to the petitioner within a period of four months from the date of receipt of the pension proposals. It is needless to say that the petitioner shall cooperate with the 4th respondent college to comply with the

orders passed by the 2nd respondent. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

Date: 05/10/20188
lkv

