

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.7251 OF 2004

ORDER

This writ petition is filed seeking the following relief:

“...to issue a Writ of Mandamus, or any other appropriate writ, order or direction, declaring the proceedings dt.22.3.2004 in Memo No.463/Ser.IV/A2/2004 on the file of the respondent as being illegal, arbitrary, discriminatory and violative of Article 14 of the Constitution of India and consequently direct the respondent to grant benefit of two increments for acquiring Ph.D to the petitioner with effect from 27.07.98 or atleast from 22.2.1996 and pass such other order or orders as may deem fit and proper in the circumstances of the case.”

Heard Sri K.Raghuveer Reddy, learned counsel appearing for the petitioner and Sri N.Sri Ram Murthy, learned Standing counsel appearing for the respondent-University.

It is the case of the petitioner that initially, he was appointed as Research Assistant in the respondent-University on 22.1.1975 and thereafter, promoted to the post of Assistant Professor and he was given Selection Grade on 22.02.1991. He has obtained Ph.D. in the year 1991. Subsequently, he was further promoted as a Professor in the year 2002.

The grievance of the petitioner is that as he completed five years of service, he is entitled to the Career Advancement

Scheme, but the respondent-University has not extended the said benefit to him.

Learned counsel appearing for the petitioner submits that the respondent-University *vide* proceedings dated 2.8.2003 clarified that if a Teacher, in any cadre, who has not availed the benefit of advance increments for Ph.D qualification in the post of Assistant Professor for which Ph.D is not a minimum qualification, shall be extended the benefit at any time of service and the University may follow the procedure as laid down in the G.O and it is further clarified that the advance increments sanctioned to those Teachers who possess Ph.D degree on or after 1.1.1996 will be admissible with effect from 1.1.1996 or from the date of acquisition of Ph.D. whichever is earlier.

Learned counsel for the petitioner further submits that the case of the petitioner was considered for Career Advance Increment for possessing Ph.D qualification on 22.2.1996, and that the Career Advance Increment was extended to the petitioner only for a period of two months and thereafter, the said increment was not extended to the petitioner after he has become Professor. He further contends that the petitioner has lost two valuable increments and that the said advance increment be implemented with effect from 27.07.1998 as

originally envisaged; and that appropriate orders be passed directing the respondent to continue to pay the advance increment for possessing Ph.D qualification throughout his career till he attains the age of superannuation.

Learned Standing Counsel appearing for the respondent-University contends that at the request of staff of the University, the University has taken a decision to implement the advance increment for possessing Ph.D qualification with effect from 01.01.1996; that no illegality has been committed by the respondent-University and that there are no merits in the writ petition and the same is liable to be dismissed.

Having considered the rival submissions made by the learned counsel on either side, ends of justice would be met if a direction is given to the petitioner to submit a fresh representation to the petitioner.

Accordingly, the Writ Petition is disposed of directing the petitioner to submit a representation afresh within a period of two weeks from the date of receipt of a copy of this order and on receipt of such representation, the respondents shall consider the same within a period of four weeks thereafter. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

29th November, 2018
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