

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.11792 OF 2004

ORDER:

This writ petition is filed under Article 226 of the Constitution of India, seeking to issue writ of mandamus declaring the action of the 1st respondent in issuing proceedings, dated 09.09.1999 as illegal and arbitrary and set aside the same and consequently direct the respondents to pay graduation increments to the petitioner.

2. Heard Sri G.Ravi Mohan, learned counsel for petitioner and Smt G.Jyothi Kiran, learned standing counsel for the respondents.

3. It has been contended by the learned counsel for the petitioner that the petitioner was appointed as conductor during 1976 and while he was on duty, he acquired graduation qualification during 1979. As per the circular, dated 30.04.1977, the respondents have taken policy decision to grant additional increments for possessing graduation qualification. In view of the same, the petitioner is entitled for graduation increment. The respondents have rejected the case of the petitioner, vide proceedings, dated 09.09.1999 since he was removed from service on 21.02.1989 and he was reinstated into service with effect from 20.11.1992. In view of the same, the petitioner is entitled for graduation increment.

4. Learned standing counsel for the respondents contended that earlier circular issued on 31.03.1977 was withdrawn making it clear that graduation increment will be extended in favour of those employees who were appointed prior to 1980 and not to the employees who were appointed after 1980. Admittedly, the petitioner was reinstated into

service on 20.11.1992. The case of the petitioner does not fall under the earlier circular, dated 31.03.1977 and there are no merits and therefore, the writ petition is liable to be dismissed.

5. This Court having considered the rival contentions made by both parties, is of the considered view that as the petitioner was appointed prior to 1980, he is entitled for graduation increment and therefore, the writ petition is liable to be allowed.

6. Accordingly, the writ petition is allowed. The respondents are directed to release the graduation increment in favour of the petitioner within a period of 4 weeks from the date of receipt of a copy of this order. No order as to costs. Miscellaneous petitions, if any pending in this writ petition shall stand closed.

ABHINAND KUMAR SHAVILI, J

DATED:12-10-2018

Hsd