

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.22647 OF 2001

ORDER:

1. This writ petition is filed seeking to issue a writ of mandamus directing the respondents to take necessary steps to grant PRC 1993 scales from 1.7.1992 to the petitioner, and to grant Special Promotion Grade scale on completion of 16 years service and 45 years of age with effect from 6.6.1995, and to fix PRC 1993 and PRC 1999 scales in the grant-in-aid salary and also to fix her scale correctly at every revision taking into account 15 advance annual increments granted at the time of her initial appointment, and to direct the respondents to admit the petitioner into grant-in-aid post with effect from 1981, and to declare that the 4<sup>th</sup> respondent does not have any control on the service conditions of the petitioner including transfer of the petitioner, and to issue a consequential direction to respondents No.1 to 4 to follow G.O.Ms.No.104 Education (G) Department, dated 30.1.1978 and proceedings of the Director of School Education in proceedings No.5605/D1-3/88, dated 24.11.1988 in respect of all the teachers in the Singareni Collieries High Schools.

2. Heard Sri M.S. Prasad, learned Counsel for the petitioner and the learned Government Pleader for School Education.

3. It has been submitted by the learned Counsel for the petitioner that the petitioner was initially appointed as a Trained Graduate Assistant in the 3<sup>rd</sup> respondent in the year 1977 and that the post held by the petitioner was admitted into grant in aid in the year 1989 with effect from 1.11.1989 vide G.O.Ms.No.326, dated 17.10.1989, but the respondents are not counting the unaided service rendered by her for the purpose of granting

PRC 1993 and 1999 and they are also not extending the Special Promotion Grade Scale after completion of 16 years of service. He further submitted that since the petitioner rendered 16 years of service, she is entitled for Special Promotion Grade scale and she is also entitled for PRC 1993 and 1999 scales and therefore, the present writ petition be allowed extending the benefit of PRC 1993 and 1999 scales and also 16 years Special Promotion Grade Scale to the petitioner.

4. The learned Government Pleader for School Education contends that the petitioner is not entitled to any benefits for unaided service rendered in the 3<sup>rd</sup> respondent-school and that the service rendered by the petitioner in an unaided post cannot be counted for the purpose of extending the benefit of 16 years Special Promotion Grade Scale.

5. The learned Counsel for the petitioner submitted that similar issue was raised before this Court in W.P.No.8697/2005 and the Division Bench of this Court vide order dated 7.11.2005 held that the teachers are entitled for Special Promotion Grade Scale on completion of 16 years of service, and that the issue involved in this writ petition is squarely covered by the judgment rendered by the Division Bench of this Court in W.P.No.8697/2005. He further submitted that recently in W.P.No.3460 of 2010 and batch, a Division Bench of this Court reiterated the law laid down by the earlier Division Bench in W.P.No.8697 of 2005, dated 7.11.2005, and disposed of batch of cases following the said judgment of the earlier Division Bench in W.P.No.8697 of 2005 and therefore, this writ petition be allowed in terms thereof as the petitioner is entitled for grant of Special Promotion Grade Scale of 16 years.

6. Having regard to the submissions made by both the Counsel and the judgment of the Division Bench of this Court in W.P.No.8697 of 2005, the respondents are directed to refix the pension of the petitioner by duly extending the benefit of Special Promotion Grade scale on completion of 16 years of service, calculate the pensionary benefits of the petitioner and release the same to the petitioner within a period of two months from the date of receipt of a copy of this order.

7. Accordingly, the Writ Petition is allowed. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

Dated: 3.1.2018.  
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(ABHINAND KUMAR SHAVILI, J)

**THE HON'BLE Mr. ABHINAND KUMAR SHAVILI**



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