

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 27282 OF 2006

ORDER :

This Writ Petition is filed seeking to issue a Writ of Mandamus declaring the inaction on the part of the 1st respondent in extension of Pay Scale of Rs.16400-22400, granted to the post of Director of Physical Education, to the petitioner from the date of eligibility as illegal, arbitrary, discriminatory and violative of Article 14 of the Constitution of India and sought a consequential direction to the 1st respondent to extend the Pay Scale of Rs.16400-22400, granted to the post of Director of Physical Education to the petitioner, from the date of his eligibility with all consequential and attendant benefits.

2. Heard Sri P.B.Vijaya Kumar, the learned Counsel for the petitioner and Sri Deepak Bhattacharjee, M/s Indus Laws Firm for the 1st respondent.

3. It has been contended by the petitioner that he was initially appointed as Physical Training Inspector on 23.2.1981 in the 1st respondent-University and later his post was re-designated as Sports Officer. The petitioner further contended that finally he was promoted as Director of Physical Education on 30.5.1987 in the pay scale of Rs.1200-1900. The grievance of the petitioner is that though the Government of India had issued a letter on 5.4.1999, to extend revised scales of pay of Rs.4500-7300, (1986 Revision of Pay Scales),

for the post of Director of Physical Education, the same has not been extended and contends that the respondents, though granted Revised Pay Scales of Rs.16400-22400 for the post of Director of Physical Education held by the petitioner from the date of his eligibility, the same has not been extended to the petitioner.

4. The learned Counsel for the petitioner submits that in spite of clear instructions from the UGC and Ministry of Education, the respondents are not extending the Scale to the petitioner. Challenging the same, the present Writ Petition is filed contending that appropriate orders may be passed directing the respondents to extend the Pay Scales attached to the post of Director of Physical Education.

5. The Standing Counsel, appearing for the respondents contends that the case of the petitioner was considered and the 1st respondent has recommended the case of the petitioner to the 2nd respondent to grant UGC Pay Scales. But, the UGC vide orders dated 23.2.2001 has rejected the case of the petitioner and the petitioner has to challenge the same rejection orders passed by the UGC. The Standing Counsel further submits that the 2nd respondent has once again considered the case of the petitioner and rejected on 5.5.2006, reiterating his earlier stand and there are no merits in the Writ Petition and the Writ Petition is liable to be dismissed.

6. This Court, having considered the rival submissions made by the parties, is of the considered view that this Writ Petition can be disposed of directing the petitioner to submit a fresh representation to the 2nd respondent

and the 2nd respondent shall re-consider the case of the petitioner afresh without being influenced by earlier rejection orders dated 5.5.2006 and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order.

7. With this observation, the Writ Petition is disposed of.

8. Miscellaneous Petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

30th November, 2018

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