

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION NO.23010 OF 2017

ORDER: (per SK,J)

The petitioners are applicants 1, 16 and 17 in O.A.No.3693 of 2014 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad. Therein, the prayer of all the applicants, including the petitioners herein, was to declare the inaction of the authorities in extending to them the benefits of G.O.Rt.No.841, Education (PE.LIB) Department, dated 28.11.2011 was illegal. The controversy arose in the context of the applicants in the O.A. working on full time basis on consolidated pay but being denied the benefit granted by the Government under the aforestated G.O. The applicants therefore prayed for enhancement of the consolidated pay with arrears from the date of their appointment on par with their colleagues appointed prior to the year 1993. By order dated 05.03.2015, the Tribunal observed that all the applicants, except applicants 1, 15, 16 and 17, were working on consolidated pay and their pay had been increased from time to time as per the orders issued by the Government. In view of the same, the Tribunal held that they were all entitled to the benefits granted by the Government under G.O.Rt.No.841 dated 28.11.2017. In so far as applicants 1, 15, 16 and 17 were concerned, the Tribunal dismissed the O.A. taking into account the submission made by the learned Government Pleader appearing for the State and its authorities to the effect that their appointment orders had been cancelled. Aggrieved by denial of the benefits under G.O.Rt.No.841 dated 28.11.2017, applicants 1, 16 and 17 in the said O.A. filed this writ petition.

Sri Ch.Ganesh, learned counsel for the petitioners, contended that the learned Government Pleader had made a factually incorrect statement before

the Tribunal in as much as all the three petitioners were still continuing in service and their orders of appointment had not been cancelled. In proof of his submission, the learned counsel placed before us the office Attendance Registers of the months of February and March, 2018, indicating that all three petitioners had attended duty during these months.

Learned Assistant Government Pleader representing the learned Additional Advocate General, State of Telangana, was asked to verify this factual aspect and report to this Court.

Today, the learned Assistant Government Pleader would inform this Court that the petitioners are, in fact, continuing in service and that by inadvertence an incorrect statement was made before the Tribunal.

In that view of the matter, the writ petition is allowed directing the respondents to extend to the petitioners herein the benefits of G.O.Rt.No.841 dated 28.11.2011 with effect from the date of grant of the said relief to the other applicants in O.A.No.3693 of 2014. This exercise shall be completed expeditiously and arrears due and payable to the petitioners shall be remitted to them within eight weeks from the date of receipt of a copy of this order.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR,J

M.GANGA RAO,J

Date:04.04.2018
GJ