

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 16692 of 2003

O R D E R:

This writ petition is filed seeking to issue a writ of *Mandamus* declaring the action of respondent No.2 in issuing the Proceedings dated 14.11.2002 rejecting the case of petitioner for protection of his pay, as illegal and arbitrary.

Brief facts of the case are that petitioner was initially appointed as Post-Graduate teacher in Economics in Navodaya Vidyalaya and rendered 10 years of service. While so, a notification dated 27.03.1999 was issued for recruitment to the post of Principal in respondent No.2 Society to manage the schools working under Social Welfare Department. The petitioner being fully eligible and qualified applied to the said post after obtaining no objection from respondent authority and after completion of selection process, he was appointed as Principal on 15.07.1999 in respondent No.2-school.

The grievance of the petitioner is that his pay as Post Graduate Teacher has not been protected and was fixed at

minimum pay scale attached to the post of Principal and his representation in this regard was rejected by respondent authority vide impugned proceedings stating that there is no provision in Fundamental Rules for protection of pay of the employee worked in Central Services and transferred and posted to State Services.

Heard Sri G.Ravi Mohan, learned counsel for petitioner and learned Standing Counsel for respondents and perused the material available on record.

Learned counsel for petitioner would submit that respondent authority ought to have considered the long service rendered by petitioner as a Post Graduate Teacher and without assigning any reasons illegally and arbitrarily rejected the case of the petitioner for protecting his pay as a Principal.

Learned Standing Counsel for respondent No.2 would submit that the case of the petitioner was recommended by respondent No.1 and it is for respondent No.1 to consider his case and pass appropriate orders.

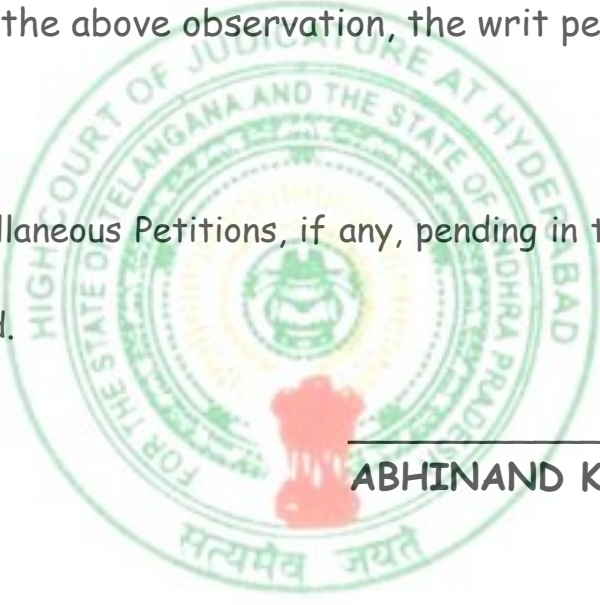
This Court, having regard to the rival submissions made by both the counsel, is of the considered view that ends of justice would be met if the respondents are directed to reconsider the case of the petitioner and pass orders afresh without being influenced by the earlier rejection order dated 14.11.2002, within a period of four weeks from the date of receipt of a copy of the order.

With the above observation, the writ petition is disposed of.

No costs.

Miscellaneous Petitions, if any, pending in this writ Petition shall stand closed.

05.12.2018
Mjl/*



ABHINAND KUMAR SHAVILI, J