

**THE HON'BLE SRI JUSTICE K.C.BHANU
AND
THE HON'BLE SMT JUSTICE ANIS**

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WRIT PETITION NO.12774 OF 2008

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ORDER: (per the HON'BLE SRI JUSTICE K.C.BHANU)

This writ petition is filed under Article 226 of the Constitution of India seeking to issue Writ of Certiorari calling for the records relating to order, dated 09-11-1994 in O.A.No.7272 of 1992 the file of the Andhra Pradesh Administrative Tribunal, Hyderabad (for short 'Tribunal') and quash the same as illegal and arbitrary.

2. Petitioner (applicant) filed the above Application questioning the order of the Executive Engineer, dated 11-06-1991, which is based on the Government Memo No.216/Ser.V.2/88, dated 10-04-1991, negating the suggestion of the Engineer-in-Chief that the scale of pay of the Work Inspectors Grade IV may be revised with retrospective effect from 1974 but limiting the monetary benefit only from the date of issue of the rules in G.O.Ms.No.226, Irrigation and Power Department, dated 26-06-1980, by which the scales of pay were fixed.

3. The Tribunal after considering the material on record, held that the applicant has not made out any case for revising the scale of pay with the notional effect from any earlier date than the date on which the pay scales have been revised and fixed in G.O.Ms.No.226, Irrigation and Power Department, dated 26-06-1980 and accordingly dismissed the application. Hence, this writ petition.

4. Learned counsel appearing for the petitioner contended that in terms of G.O.Ms.No.226, dated 26-06-1980, pay of the petitioner has not been fixed, that in case of Work Inspectors, who filed earlier O.A., a similar direction was given and hence, he prays to allow the writ petition.

5. On the other hand, learned Government Pleader for Services II contended that G.O.Ms.No.226 does not provide for fixing of notional pay prior to 26-06-1980, that the Tribunal rightly dismissed the application and there are no grounds to interfere with the same.

6. The petitioner seems to have made a representation to

the Engineer-in-Chief to revise the pay scales of the Work Inspectors Grade-IV with retrospective effect from 1974 onwards. That representation was rejected by the Government by passing the impugned order, dated 10-04-1991, which was under challenge before the Tribunal. The petitioner has not challenged the G.O.Ms.No.226, dated 26-06-1980. Though the said G.O. came into force w.e.f. 01-04-1978, but it limits the monetary benefit only after 26-06-1980. Therefore, as per the G.O, the petitioner is not entitled for any fixation of notional pay from 1974 onwards. The contention of the learned counsel for the petitioner is that the pay of the petitioner has not been fixed in accordance with G.O., but it is not a case before the Tribunal that his pay has not been fixed as per G.O. He is seeking for giving notional retrospective pay scales from 1974 onwards, which is not permissible as per the said G.O. Therefore, the Tribunal rightly dismissed the application and there are no grounds to interfere with the same.

7. Accordingly, the writ petition is dismissed. No order as to costs. Miscellaneous petitions, if any pending, in this writ petition shall stand closed.

K.C.BHANU, J

ANIS, J

DATED: 03-03-2014

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