

THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION No.2226 OF 2001

ORDER:

Petitioner, who worked as Grade-I Hindi Pandit, filed this Writ Petition seeking to quash G.O.Ms.No.176 Education (SE.SER.III) Department dated 22.12.2000 and to declare that the petitioner is entitled for Grade-I Language Pandit time scale as was given to the individuals in Krishna District as per G.O.Rt.No.711 Education (Services III) Department dated 26.05.1995, with all consequential benefits including monetary, seniority and further to declare that the cut off date i.e.11.03.1982 prescribed in G.O.Ms.No.330 Education (H1) Department dated 10.08.1983 is illegal.

Brief facts of the case are that the petitioner was appointed as Grade-II Language Pandit on 25.07.1974 in S.V.High School, Tirumala. G.O.Rt.No.711 dated 26.05.1995 was issued ratifying the action of the District Education Officer, Krishna, in appointing 22 Grade-I Telugu and Hindi Pandits by direct recruitment. G.O.Rt.No.644 Education (Services III) Department dated 07.12.2000 was issued extending Grade-I scale to Grade-II Language Pandits, as per the Court orders. The Government issued G.O.Ms.No.330 dated 10.08.1983 extending the Grade-I pay scales to the Language Pandits Grade-II, who possess the requisite qualification of Grade-I and working in High Schools and Upper Primary Schools and who were appointed prior to 11.03.1982. In the said G.O., the Government made it clear that all the Language Pandits Grade-II who were given Grade-I timescales shall be absorbed in the future vacancies and till such time, no fresh

appointments shall be made. Through G.O.Ms.No.176 dated 22.11.2000, the benefit of extending Grade-I scale to the Language Pandits Grade-II working in High Schools and Upper Primary Schools, was cancelled stating that as per G.O.Ms.No.330 dated 10.08.1983 all Language Pandits Grade-II were allowed Grade-I scale of pay from 10.08.1983, if Language Pandits Grade-II appointed and acquired Grade-I qualifications prior to 11.03.1982 and those Language Pandits Grade-II are absorbed in Grade-I post when the regular Grade-I post fall vacant and those Language Pandits Grade-II who acquired Grade-I qualification after 12.03.1982 are not eligible for the benefits of Grade-I scale of pay. For the teachers appointed prior to 1982, there was financial benefit even after they rendered long periods of service and there is stagnation in promotions. In those circumstances, the Government issued G.O.Ms.No.330 dated 10.08.1983 allowing Grade-I pay scales to all the Language Pandits Grade-II who were appointed and acquired Grade-I qualifications prior to 1982. However, after introduction of Automatic Advancement Scheme, all the teachers including Language Pandits Grade-II are allowed financial benefits and they were allowed next promotion post scale without reference to the posts and there is no stagnation. Hence there is no justification to give benefits to the language Pandit Grade-II. On the said ground, the Government issued G.O.Ms.No.176 dated 22.12.2000 cancelling G.O.Ms.No.330 dated 10.08.1983. Being aggrieved by the same, the petitioner filed the present Writ Petition.

Ms.K.Kiran Mayee, learned counsel appearing for Sri K.G.Krishna Murthy, learned counsel for the petitioner, would

contend that the petitioner was appointed as Grade-II Hindi Pandit in S.V.High School, Tirumala, on 25.07.1974 and he possessed qualifications required for Grade-I Language Pandit and entitled for Grade-I pay scale as per G.O.Rt.No.771 dated 26.05.1995 and as per G.O.Rt.No.644 dated 07.12.2000. Government issued G.O.Ms.No.330 dated 10.08.1983 extending the benefit of timescale of Grade-I Pandit for those who were in possession of qualifications for Grade-I and appointed prior to 1982 prescribing the cut off date i.e.11.03.1982. The subsequent cancellation of G.O.Ms.No.330 dated 10.08.1983 by issuing G.O.Ms.No.176 dated 22.12.2000 is illegal, arbitrary and is liable to be set aside and the petitioner is entitled for Grade-I Language Pandit timescale as was given to the Language Pandits in Krishna District through G.O.Rt.No.711 dated 26.05.1995. She further contended that this Court in ***P.Chandra Shekar Naidu and others vs. Correspondent, SSRSO Upper Primary School, Srikakulam and others***¹ wherein the petitioners challenged the orders dated 13.06.2002 passed in O.A.No.377 of 2001 and batch. On said OAs the validity of the G.O.No.176 dated 22.12.2000 cancelling the orders issued by the Government in G.O.Ms.No.330 dated 10.08.1993, was challenged, the applicants therein sought for fixation of their payscales without reference to the cut off date fixed in G.O.Ms.No.330 dated 10.08.1993. The Division Bench of this Court allowed the batch of writ petitions directing to implement G.O.Ms.No.330 dated 10.08.1993. She would further submit that the issue involved in this Writ Petition is squarely covered by the

¹ 2004 (1) ALD 152 DB

orders passed in Division Bench of this Court in **Chandra Sekhar Naidu (1 supra)**.

Per contra, Sri A.Rama Lingeshwara Rao, learned Standing counsel for respondent-Devasthanams, would contend that the petitioner is not entitled for the benefits extended to the other Grade-II Hindi Pandits. G.O.Rt.No.771 dated 26.05.1995 and G.O.Rt.No.644 dated 07.12.2000 are not applicable to the case of the petitioner wherein the benefits were given to the individuals as per the Court Orders. G.O.Ms.No.330 dated 10.08.1983 was cancelled vide G.O.Ms.No.176 dated 22.12.2000. Hence, the question of implementing G.O.Ms.No.330 dated 10.08.1983 does not arise. He would further contend that the petitioner was given Grade-I Hindi Pandit and working at S.V.High School, Tirupati, he was sanctioned two advance increments of Rs.20/- w.e.f.25.06.1981 based on acquisition of additional qualification of M.A. Hindi on 25.06.1981. Later, he was sanctioned Special Grade post scale in Grade-I Hindi Pandit cadre w.e.f.01.07.1992. He was also given Grade-I Hindi Pandit scale with monetary benefits w.e.f.01.08.1984 as per G.O.Ms.No.330 dated 10.08.1983, though he was promoted as Grade-I Hindi Pandit from 02.01.1989. Besides, he had also drawn FR 22 (B) fixation in terms of Government Memo dated 27.12.1998. Vide Proceedings dated 08.12.1997 petitioner was given the benefit in terms of G.O.Ms.No.330 dated 10.08.1983. Thus, he would contend that the petitioner was given all service benefits applicable from time to time and the writ petition is liable to be dismissed.

In the facts and circumstances of the case and in considered view of this Court, as contended by the learned Standing Counsel

reiterating the averments of the counter filed by the Executive Officer, Tirumala Tirupati Devasthanams, the petitioner was given all the benefits to which he is entitled to. Paragraph No.5 of the counter affidavit is hereby extracted for better adjudication of the case:

“5. Regarding the allegations made in para 4 of the petitioner’s affidavit, I submit that the petitioner Sri R.Hanumantha Singh who is now Grade-I Hindi Pandit and working at S.V.High School, Tirumala was sanctioned two advance increments of Rs.20-00 with effect from 25.06.1981 basing the acquisition of additional qualification of M.A., Hindi on 25.06.1981, as per ROC No.D2/31268/DEO/82 dated 10.10.1982. Later, he was also sanctioned Special Grade Post Scale in the Grade-I Hindi Pandit cadre with effect from 1.7.1992 as per G.O.(P) 290, dated 22.7.1993 communicated in Roc.No.D2/40022/93 dated 26.11.1993 and Roc.No.D2/27173/DEO/1994 dated 1.2.1995 (as he was given Grade-I Hindi Pandi scale with monetary benefits with effect from 1.8.1984, as per G.O.Ms.No.330, Edn.Dt.10.8.1983) as per Roc.No.D2/34886/DEO/87, dated 25.9.1987, though, he was promoted as Grade-I Hindi Pandit from fore noon of 2.1.1989. Besides, he is also drawn F.R.22 (B) fixation in terms of Government Memo No.1314/SER-III/78, dt.27.12.98, vide Rc.No.D2/33817/DEO/IPT/97, dated 8.12.1997 and was given the benefit in terms of G.O.Ms.No.330 (Edn.Hi) Department dated 10.8.1983. As such, the above petitioner has been given service benefits as applicable to him from time to time.”

Thus, in view of the specific averments in the counter, extracted above, which are not denied by any reply, and the assertions made by the learned Standing Counsel, this Court is of the view that writ petitioner is not entitled for any further benefits as per G.O.Ms.No.330 dated 10.08.1983.

Hence, the Writ Petition is closed.

Miscellaneous petitions pending in this petition, if any, shall stand closed. There shall be no order as to costs.

(M.GANGA RAO, J)

20th September, 2018
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