

THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION No.5878 OF 2001

ORDER:

Petitioner, who worked as Principal of SBS Sanskrit College, Ponnur, Guntur District, filed this Writ Petition seeking to declare the action of respondents 2 and 3 in not extending the benefit of fixation of his pay at Rs.14,940/- in the scale of pay of Rs.12001-420-18300 as arbitrary, illegal and contrary to the scheme envisaged in G.O.Ms.No.208 Higher Education (UE.II.1) Department dated 29.06.1999 and consequently to direct the respondents to fix the pay of the petitioner at Rs.14,940/- and pay the arrears of the pay fixation and other consequential benefits together with interest @ 12% per annum from the date of approval of the pay fixation benefits.

Case of the petitioner is that he obtained Post Graduation Degree of M.A.(Sanskrit) in first class in the year 1969 from S.V. University and subsequently obtained M.A. (Telugu) degree from S.V. University in the year 1973. Thereafter, he acquired B.Ed. Degree from Annamalai University. Thereafter, on 09.07.1969 he was appointed as a lecturer in Sanskrit in Sri Bhimeshwara College of Sanskrit and Oriental Languages, Vidyanagar, Vakadu, Nellore District. The said post was admitted to grant in aid. When the regular incumbent Principal of the college retired from service, petitioner was placed as in-charge Principal. A regular Selection Committee appointed him as a Principal on regular basis. Petitioner worked as such from 24.08.1981 onwards. The post of the Principal of the College was also admitted to grant-in-aid and consequently the petitioner was allowed to draw the scale of the Principal. Thereafter, he was

transferred and posted as a Principal of SK College of Sanskrit, Palakol, West Goadavari District, on closure of Sri Bhimeshwara College of Sanskrit and Oriental Languages, Vakadu. Thereafter, at request, the petitioner was again transferred and posted as Principal of S.V.Oriental College, Tirupati. Immediately, thereafter, he was transferred to SBS College of Sanskrit and Oriental Languages, Ponnur, Guntur District, and he worked as such from 02.04.1998 onwards. His services conditions, pay & allowances are being regulated by University Grants Commission (UGC). The State Government on adopting the recommendations of the UGC and in accordance with the UGC regulations, the pay and allowances of the staff are being released. The UGC has revised the pay scales and other conditions of service vide notification reference No.F.3-1/94 (PS) dated 24.12.1998. The State Government issued G.O.Ms.No.208 Higher Education (UE.II.1) Department, dated 29.06.1999 extending the revised UGC scales of pay to the teachers, librarians and physical education personnel in the Universities and Colleges in the State. The said rules are called 'A.P. Revised UGC Scales of Pay, 1996', which came into force w.e.f.01.01.1996. As per the schedule appended to the said G.O., the pay of the Principals of Colleges, who were hither to drawing the pay and allowances in the scale of 3700-5700, has been revised to 12001-420-18300. It has been stated that the minimum scale that has to be fixed in respect of the Principals of the Colleges is 12840/-, but the pay of the Lecturers (Selection Grade)/Readers, who were also having the same scale of pay as that of the Principals of Colleges, was revised to 12001-420-18300 and their pay was fixed at Rs.14940/- in the pay scale of Rs.12001-18300 as and when they complete five years in the

grade. But, for the post of Principal by wrong application of the fitment formula specified in para 10 in G.O.No.208 dated 29.06.1999, the pay of the petitioner was approved and fixed at Rs.13,260/- by duly adding three annual increments to the minimum of Rs.12,840/- whereas pay of the persons who are working as Lecturers Selection Grade/Readers, which posts are equivalent to the post of Principal, and drawing in the same pay scale as that of the Principal, was fixed at Rs.14,940/- ignoring that the petitioner worked in the higher post of Principal and discharge higher responsibilities. The respondents erroneously fixed the pay of the petitioner at lower level pay of Rs.12840/- and the petitioner was denied revised pay scales and fixation of his pay on par with the Lecturers Selection Grade/Readers in the revised pay scale of Rs.12000-18300. Being aggrieved by the same, the present writ petition came to be filed.

Sri KSV Subba Rao, learned counsel for the petitioner, would contend that the petitioner was holding the post of the Principal of SBS College and his post was admitted to grant-in-aid. Government issued G.O.Ms.No.51 Higher Education (CV.II) Department dated 07.03.2001 extending the orders in G.O.Ms.No.208 dated 29.06.1999 to the teachers working in Government/Aided Oriental Colleges. As per the revised fitment formula announced under paragraph 10 (iii) of the said G.O., the fixation of pay of Lecturers (Selection Grade)/Readers in the pre-revised scale of pay of Rs.3700-125-4900-150-5700, who were directly selected in accordance with the rules and regulations framed by the UGC and were in position of Lecturers (Selection Grade) Readers as on 01.01.1996 will be made in a manner that they get their pay fixed at the minimum of Rs.14,940/- in the

revised pay scale of Rs.12001-420-18300 as and when they complete five years in the grade as per the revised scales in the Schedule. Hence, denial to fix the pay of the petitioner at Rs.14,940/- in the scale of Rs.12001-18300 as was given to the Lecturers (Selection Grade)/Readers even though the Principal post is equivalent as stated in the Schedule and appendix to the G.O. is illegal. He would further submit that the Principals, being qualified persons possessing Master's Degree with at least 55%, are equivalent to Lecturers (Selection Grade) and are entitled for the said scale. Hence, fixing the pay scale of the petitioner at minimum of Rs.12,840/- is illegal. Even the pay of the Lecturers (Selection Grade)/Readers who are drawing the pay in the pre-revised scale of Rs.3700-5700/- were fixed at Rs.14940/- in the pay scale of Rs.12001-420-18300 and whereas the pay of the petitioner was erroneously fixed at Rs.12,840/- on the ground that as per the schedule appended to GO Ms.No.208 dated 29.06.1999, the pay of the Principals of the Colleges, who are drawing their pay in the scale of Rs.3700-5700, was fixed in the revised scale of Rs.12000-420-18300 w.e.f.01.01.1996 and the minimum has to be fixed at Rs.12840/-, but it is not specifically mentioned in the G.O. that the scales of pay fixed in respect of the Lecturers (Selection Grade) is applicable to the Principals of the Colleges, is illegal and arbitrary. It is further contended that the second respondent having extended the pay scale to the Principals working in various Colleges including Oriental Colleges i.e. Sri Y.Purnachandra Rao, Principal, Sarada College, Krishna District, Sri Ramachandra Murthy, Principal, Oriental College, Kodangal, Mahaboobnagar District, Sri Venkata Ramanaiah, Principal, Oriental College, Nellore, by fixing their pay at Rs.14,940/-, denied the said benefit

to the petitioner, which amounts to discrimination. Hence, the petitioner is entitled for fixation of his pay at Rs.14940/- as per para 10 of the G.O.No.208 dated 29.06.1998. Learned counsel further submits that the petitioner has retired and even his pension was also fixed erroneously and he was denied the benefits accrued in the revised pay scales by fixing his scale in the lower scale of Rs.12,840/-. Petitioner is deprived of his benefits of the scale and he is entitled for payment of arrears of pay fixation and amounts with interest @ 12% per annum.

Per contra, learned Assistant Government Pleader appearing for the respondents while reiterating the averments of the counter filed, would contend that fixation statements and arrears claim of the petitioner was sent to the District Audit Officer, State Audit, Guntur, on 26.07.2000. Pay of the petitioner was fixed at Rs.13,260/- in the scale of pay of Rs.12000-18300 w.e.f.01.01.1996 as his total emoluments came to Rs.13020/-, his pay was fixed at Rs.13260/-, which is the next stage in the revised pay scale, as per the clarification issued by the Director of State Audit, A.P., Hyderabad vide Memo No.15363/761/P1/2000 dated 27.11.2000 and were sent to the Correspondent of the College through letter in L.F.No.996/2000-2001 dated 03.01.2001 of the District Audit Officer, State Audit, Guntur. The pay of the Principals of the College who were drawing their pay in the scale of Rs.3700-5700/- was revised to Rs.12000-420-18300 and the pay of the Lecturers (Selection Grade)/Readers, who are drawing their pay in the scale of Rs.3700-5700 was also revised to Rs.12000-18300. But it was not specifically mentioned in the G.O. about the higher start of the pay in the said scale in the case of Principals of the Colleges. But, the Principals were given higher start at

Rs.12840/- as minimum pay in the revised scale of pay of Rs.12000-420-18300/- whereas the pay of the Lecturers (SG) is fixed at Rs.12000 i.e. less than the Principals. She would submit that Principal and Lecturer (SG)/Reader do not belong to the same cadre. The said posts are separately categorized in the schedule appended to G.O.Ms.No.208 dated 29.06.1999, according to which, the pay of Lecturer (S.G.)/Reader, who were drawing the pay scale of Rs.3700-5700, was revised to the pay scale of Rs.12000-18300 whereas the Principals of Colleges, who were also drawing pay scale of Rs.3700-5700 were given the revised pay scale of Rs.12000-420-18300 and their minimum was fixed at Rs.12840/-. Thus, the Principals were given higher start of Rs.12840/- in the minimum pay fixed in the revised pay scale of Rs.12000-420-18300/-. In the G.O., it was not mentioned to fix the pay of the Principals at the minimum of Rs.14,940/- in the revised scales as and when they complete five years in the Grade and the said concession was only granted to Lecturers (SG)/Readers. Hence, the pay scale of the petitioner was fixed at Rs.13,260/- as per the G.O. and there is no pay anomaly as alleged by the petitioner. Petitioner is not entitled for fixation of his pay at Rs.14940/- in the pay scale of Rs.12000-420-18300 on par with the Lecturers (SG)/Readers. Hence, there are no merits in the writ petition and the Writ Petition is liable to be dismissed.

In the facts and circumstances of the case, in considered view of this Court, the petitioner was duly appointed by the Regular Selection Committee as the Principal of the College and his post was admitted to the Grant in aid. Finally he was transferred to SBS College of Sanskrit and Oriental Languages, Ponnur, Guntur District, as Principal. While working as such, the

Government issued G.O.Ms.No.208 dated 29.06.1999 adopting UGC Scales of Pay to teachers, librarians and physical education personnel in the Universities and Colleges in the State vide A.P. Revised UGC Scales of Pay, 1996. The same was extended to the teachers working in Government/Aided Colleges vide G.O.Ms.No.51 dated 07.03.2001. As the petitioner is selected as Principal by the Regular Selection Committee and on the date of issuance of G.O, he has completed five years of service and drawing the pay in the scale of Rs.3700-5700, he is entitled for the fitment formula enunciated in paragraph 10 (iii) of the G.O., which reads as follows:

“The fixation of pay of Lecturers (Selection Grade)/Readers in the pre-revised scale of Rs.3700-125-4950-150-5700 who were selected strictly in accordance with the rules and regulations framed by the UGC and who were in position of Lecturers (Selection Grade) Readers as on 1.1.1996 will be made in a manner that they get their pay fixed at the minimum of Rs.14940/- in the revised scale of Rs.12000-420-18300 as and when they complete five years in the grade as per revised scales in the Schedule.”

Hence, the petitioner, who is working as Principal and drawing the pay scale of Rs.3700-5700 on par with Lecturers (Selection Grade)/Readers, is also entitled to be fixed his pay in the corresponding revised pay scales of Rs.12001-420-18300 on par with Lecturers (Selection Grade)/Readers as the post of Principal is equivalent to the post of Lecturers (SG)/Readers as per the statement attached to G.O.Ms.No.208 dated 29.06.1999 and the petitioner could not be differentiated while extending the corresponding pay scales and his pay could not be fixed at Rs.12,840/- while extending the higher minimum pay of Rs.14,940/- to the Lecturers (SG)/Readers.

On a reading of the Rules issued through G.O.Ms.No.208 and as per the annexures appended to it, it could easily be concluded that the post of Principal is equivalent to the post of Lecturer (SG)/Reader. The Principal and Lecturer (SG)/Reader were drawing the pay in the same scale of Rs.3700-5700 and were also allowed to draw the pay scale in the same revised pay scale of Rs.12000-18300 but while fixing the minimum pay in the revised pay scales, the Lecturers/Readers were fixed at Rs.14,940/- whereas the petitioner, being the Principal, was fixed at Rs.12,840/- on the ground that Principal was given higher starter but thereby he was deprived of the higher pay scale and thereby he is drawing less salary than Lecturer/Reader, which is arbitrary, illegal and contrary to Article 14 of the Constitution of India and the petitioner is entitled to be fixed his pay in the revised pay scale of Rs.12000-420-18300 along with Lecturer(SG)/Reader as the post of the Principal is equivalent to that of the Lecturer(SG)/Reader and his pay has to be fixed at Rs.14,940/- as was fixed to the Lecturer (SG)/Reader and fixation of his pay at Rs.12840/- is illegal.

Accordingly, the Writ Petition is allowed directing the respondents to consider the case of the petitioner to fix his pay at Rs.14,940/- in the pay scale of Rs.12000-420-18300 as was fixed to the Lecturers (SG)/Readers, as stated supra. Accordingly, his arrears of pay fixation have to be paid with interest @ 12% per annum from the date of petitioner's application for fixation of his pay at Rs.14940/-. The said exercise should be completed within two months from the date of receipt of a copy of this order and settle all the benefits.

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

(M.GANGA RAO, J)

05.07.2018
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