

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 27609, 27622, 27623, 27630, 27654, 27655,

27663 and 27715 of 2018

Date :06.9.2018

Between:

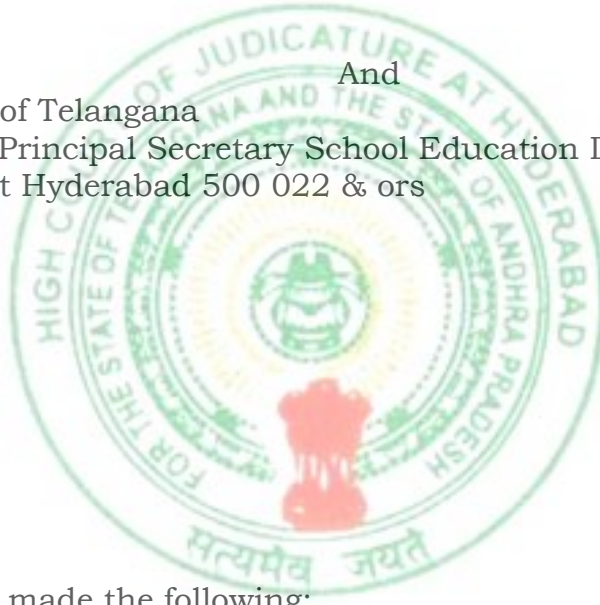
K Sudha Rani D/o Mallesham
School Assistant aged about 33 years
ZPHS Kistampet
Chandruthi Mandal
Karimnagar District
Presently working at ZPHS
Thegala Dharmaram
Dharmapuri Mandal Jagtial District

Petitioner

And

The State of Telangana
rep by its Principal Secretary School Education Department
Secretariat Hyderabad 500 022 & ors

Respondents



The Court made the following:

HONOURABLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION Nos. 27609, 27622, 27623, 27630, 27654,****27655, 27663 and 27715 of 2018****COMMON ORDER:**

Heard learned counsel for petitioners and learned Assistant Government Pleader. Since the issue raised in these writ petitions is similar, they are disposed of by this common order.

2. In the recruitment for selection for appointment to the post of School Assistants, Secondary Grade Teachers, Language Pundits, Physical Education Teachers, etc., conducted in the year 2008, popularly known as DSC-2008, petitioners were selected and appointed to said posts vide proceedings dated 16-10-2009 and consequently petitioner's joined in the respective posts. While so, their services were terminated vide orders dated 28-04-2011. Several other teachers were also terminated in similar manner. This termination was challenged before AP administrative Tribunal in O.A.No.2972 of 2011 and batch. By order dated 14.7.2011 Tribunal suspended the order of termination. By common order dated 20-11-2012, holding that the terminations were not preceded by notice and opportunity violating principles of natural justice, the AP Administrative Tribunal declared termination as illegal. Orders of termination were set aside and the matters were remanded to the District Education Officer, Karimnagar to follow the procedure prescribed by APCS(CCA) rules, 1991 and also to strictly follow the provisions of A.P. Public Employment (Organisation of Local Cadres and Regulation of Direct Recruitment) Order, 1975 (for short referred as presidential order). The tribunal also fixed time limit to complete the exercise. No further action was taken though liberty was granted by the Tribunal.

3. By orders dated 23-10-2014 petitioners were reappointed and have been continuing in service. By orders dated 25-07-2017, the

services of petitioners were counted from their date of initial appointment for all purposes and the period from the date of termination to date of reappointment is regularised as duty. In these writ petitions petitioners pray to grant declaration of the action of respondents in not paying monetary benefits for the period from April 2011 to October 2014 by implementing the orders dated 25-07-2017 as illegal, arbitrary, just, unfair and contrary to the law.

4. Petitioners claim that they are entitled to payment of arrears of pay and allowances for the period of out of employment as a consequence to the decision taken by the respondents to treat the period of out of employment as on duty.

5. According to learned counsel for the petitioners for no fault of petitioners, they were deprived of their right to discharge duties and responsibilities for the relevant period, even though interim suspension was granted by the Andhra Pradesh Administrative Tribunal initially and subsequently allowed the O.As setting aside the order of termination.

6. After the orders were passed treating the period as on duty, the District Educational Officer, Karimnagar vide his letter No.10888/A1/2017 dated 18.10.2017 requested the Commissioner and Director of School Education to clarify whether petitioners are entitled to payment of monetary benefits for the period out of service.

7. According to learned Assistant Government pleader, so far no decision is taken by the Commissioner on the clarification sought by the District Educational Officer.

8. Having regard to these submissions, the Commissioner and Director of School Education is directed to take a decision on the claim of the petitioners for payment of monetary benefits for the period of out of employment duly taking note of the initial order of interim suspension by the Andhra Pradesh Administrative Tribunal in the O.As instituted by the

petitioners and the final orders setting aside the order of termination from service and the order of District Educational Officer dated 25.07.2017 treating the entire period as on duty and issue appropriate directions to the District Educational Officers. A decision shall be taken and appropriate directions be issued to the District Educational Officers, as expeditiously as possible, preferably within a period of four (4) weeks from the date of receipt of copy of this Order.

9. Accordingly, the writ petitions are disposed of. No costs. Miscellaneous petitions, if any pending, are closed.

DATE: 06-09-2018
TVK/Rds

P NAVEEN RAO,J



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