

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.9250 OF 2002

ORDER

This writ petition is filed seeking to issue a Writ of Certiorari calling for the records relating to and connected with the impugned proceedings No.607/MLTC/2000, dated 23.4.2002, issued by the 1st respondent and quash the same by holding it as illegal and arbitrary.

Heard Sri P.Harinath Gupta, learned counsel appearing for the petitioner, Sri T.Durga Reddy, learned Standing Counsel appearing for the respondent-Acharya N.G.Ranga Agricultural University.

It is the case of the petitioner that initially, he was appointed as Instructor in MLTC-I, College of Home Science, Acharya N.G.Ranga Agricultural University, on a consolidated pay of Rs.3,000/-, *vide* proceedings dated 15.04.1995. Later, his pay was enhanced to Rs.4,400/- and after completion of five years of service, his pay was fixed at Rs.5,970/- *vide* proceedings dated 05.10.1999 of the 1st respondent. While so, all of a sudden, without any notice, the 1st respondent *vide* proceedings dated 22.10.2001, had cancelled the said benefit on the ground that MLTC-I and II units were closed on 31.03.1998 and down graded the scale of the petitioner. Hence,

the petitioner made representations to the respondent-University, but the same were not considered. Thereafter, the impugned proceedings dated 23.04.2002 were issued recovering the alleged excess amount of Rs.36,738/- from the salary of the petitioner at Rs.1,500/- per month. In those circumstances, the present writ petition is filed.

Learned counsel appearing for the petitioner submits that though the pay of the petitioner was fixed at Rs.5,970/- after completion of his five years of service, the 1st respondent ought not to have cancelled the same *vide* proceedings dated 22.10.2001. He further submits that the impugned proceedings dated 23.04.2002 issued by the respondent-University recovering the alleged excess amount of Rs.36,738/- from the salary of the petitioner at Rs.1,500/- per month, is arbitrary and illegal.

Per contra, learned Standing Counsel appearing for the respondent-University submits that the petitioner is not eligible for the said fixation as she had not continuously worked for five years and hence, her pay was down graded and the impugned proceedings were issued recovering the excess amount.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered

view that this Writ Petition can be disposed of directing the petitioner to make a representation to the respondent-University, if she is still working continuously, within a period of four weeks from the date of receipt of a copy of this order.

Accordingly, the Writ Petition is disposed of directing the petitioner to make a representation to the respondent-University, if she is still working continuously, within a period of four weeks from the date of receipt of a copy of this order. On receipt of such representation, the respondent-University shall consider the same by duly taking into consideration the judgment of the Apex Court in *State of Punjab vs. Jagjit Singh*¹ and pass appropriate orders within a period of eight weeks thereafter.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

13th August, 2018
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¹ (2017) 1 SCC 148

