

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.13334 of 2019

ORDER:

This writ petition is being disposed of at the admission stage with the consent of both the parties.

2. The writ petition is filed with the following prayer:

“...the Hon’ble Court may be pleased to issue a Writ Order or Orders more particularly one in the nature Writ of Mandamus directing the respondents to fix the pay of the petitioner in the category of School Assistant Grade-I (Special Category) in the scale of Rs.750 - 1300 and award 10/15 years special scales has revised from time to time under the Automatic Advancement Scheme on par with similarly situated teachers by holding the action of the 1st respondent in not considering the petitioner representation dated 20-5-2016 for forwarding the petitioners proposals for sanction of Automatic Advancement Scheme Pay Scales as extended to similarly situated teachers is as illegal, arbitrary, discriminatory and subversive of Articles 14 16 of the Constitution of India and pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

3. Heard Mr. Ch. Jagannatha Rao, learned counsel for the petitioner and learned Government Pleader for Services I.

4. Petitioner contends that he has retired as P.G. Head Master and he is entitled for grant of Automatic Advancement Scheme Pay Scales and that the said scheme was extended to similarly situated persons but the case of the petitioner was not considered. He submits that the Regional Joint Director of School Education has directed the first respondent to resubmit proposals but so far the first respondent has not submitted any revised proposals to the Regional Joint Director of School Education. In this set of circumstances, the petitioner had submitted a representation dated 20.05.2016 requesting the respondents to extend the said scheme to him, as it was done in the

case of similarly situated persons, but so far the respondents have not passed any orders.

5. Therefore, the counsel for the petitioner would submit that appropriate orders be passed in the writ petition directing the respondents to consider the representation of the petitioner and pass appropriate orders in accordance with law.

6. Learned Government Pleader, appearing for the respondents, would contend that the petitioner has filed O.A.No.2756 of 2000 before the Tribunal for the same relief and the tribunal has disposed of the said OA on 08.06.2000 directing the petitioner to submit a representation and the petitioner has belatedly submitted the representation in the year 2016 and thereafter, the petitioner has approached this Court after three years. However, learned Government Pleader submits that the case of the petitioner would be considered and appropriate orders would be passed on the representation of the petitioner.

7. This Court, having considered the rival submissions made by both parties, is of the considered view that the writ petition can be disposed of by directing the respondents to consider the representation of the petitioner dated 20.05.2016 and pass appropriate orders in accordance with law within a period of eight (8) weeks from the date of receipt of a copy of this order.

With the above observations, the writ petition is disposed of. Pending miscellaneous petitions shall also stand dismissed. There shall be no order as to costs.

ABHINAND KUMAR SHAVILI, J

July 3, 2019
DSK