

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.18694 of 2018

ORDER:

With the consent of both the parties, this Writ Petition is disposed of at the admission stage.

This Writ Petition is filed for the following relief:

“.....Writ of Mandamus or appropriate writ declaring the action of the Respondent No.1 in not granting the annual grade increments/special annual grade increment by counting past service rendered by the petitioners in time scale from 01.04.2008 to 01.07.2013 and not releasing the increments from 2008 is arbitrary, illegal, unjust and contrary to FR26(B) of AP Fundamental Rules, consequently direct the Respondent No.1 to fix the pay scale of the petitioners as per Fundamental Rule 26(B) of AP Fundamental Subordinate Service Rules, and pass such.....”

Heard Smt G.Malathi, learned counsel for the petitioners and Sri Adi Venkateshwar Rao, learned Standing counsel for respondents.

It has been contended by the petitioners that they were initially appointed as daily wage employees with the 2nd respondent with the approval of Vice Chancellor in the year 1991 and they have been discharging their duties to the best satisfaction of their superiors and everyone concerned. Petitioners further submit that their services were regularized vide proceedings dated 01.07.2013 but however, the respondents are not counting the earlier service rendered by the petitioners as daily wage employees. Therefore, the petitioners

submitted several representations dated 04.07.2014, 04.07.2015, 24.10.2016 and 20.11.2017 to the respondents requesting to count past service rendered in the time scale of clerk-cum-typists and to grant annual grade increments accrued for corresponding years and also to award six years grade under Automatic Advancement Scheme (AAS) as per the provisions of Revised Pay Scale of 2015. But so far the respondents have not passed any orders on the said representations.

Learned counsel for the petitioners contends that appropriate orders be passed in the writ petition directing the respondents to consider the cases of petitioners for grant of annual grade increments and special grade increments by duly taking into account the past service rendered by them in time scale from 01.04.2008 to 01.07.2013 and release the increments from 2008 as per FR 26(b) of Fundamental Subordinate Service Rules (for short 'the Rules').

Learned Standing counsel appearing for the respondents contends that petitioners are not entitled for counting earlier service rendered by them on time scale basis and there are no merits in the writ petition and the same is liable to be dismissed. He further submits that the case of the petitioners would be considered in terms of the Rules and appropriate orders would be passed in accordance with law.

This Court, having considered the rival submissions made by the learned counsel on either side, is of the considered view that this writ petition can be disposed of directing the petitioners to submit a fresh representation to the respondents within a period of two weeks from today and upon such representation being received, the respondents shall consider and pass appropriate orders in accordance with law in another four weeks thereafter.

With the above observations, the Writ Petition is disposed of. No order as to costs.

As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

10.07.2019
dv

