

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION (TR) No.6029 of 2017

ORDER:

This writ petition is filed seeking the following relief :-

“.....to declare that the applicants are entitled to be extended the benefit of Pay Band IV with AGP Rs.9000/- in respect of applicants 1 to 3 and AGP Rs.7000/- Pay Band III in respect of applicants 4 and 5 in the Career Advancement Scheme duly considering their date of acquiring eligibility i.e., during the year 1995, 2001 and 2005 respectively for promotion as Lecturers in accordance with G.O.Ms.No.159 Education (UE.2) Dept., dated 30.6.1990 and G.O.Rt.No.438 Higher Education (CE-II-1) Department dated 28.6.2011 and the provisions of Special Rules and Rule 6 of the A.P.State and Subordinate Service Rules 1996 duly setting aside the impugned 'Rejection Order' issued by the 2nd respondent vide Rc.No.84IUGC-PF/ 2016 dated 04.6.2016 and with all consequential benefits by holding the action of the respondents in denying the benefit of Pay Band IV with Academic Grade Pay of Rs.9000/- for Applicants 1 to 3 and Academic Grade Pay Rs.7000/- in Pay Band III for (Applicants 4&5) in the Career Advancement Scheme in the promotional post of Lecturer (Now re-designated as Assistant Professor) in accordance with their dates of acquiring eligibility i.e., passing NET/ SLET as being arbitrary, illegal, discriminatory and in violation of Articles 14 and 16 of the Constitution of India”.

Heard Mr.Linga Rao, learned counsel for the petitioners and the learned Government Pleader for the respondents.

It has been contended by the petitioners that they are working as Assistant Professors with the respondents. Petitioners 1 to 3 are entitled to the benefit of Pay Band IV with annual grade pay of Rs.9,000/- and petitioners 4 and 5 are entitled to the benefit of Pay Band III with annual grade pay of Rs.7,000/- in accordance with the Career Advancement Scheme. But, the respondents are

not extending the said benefit. The petitioners earlier filed O.A.No.1601 of 2016 before the then A.P.Administrative Tribunal and the Tribunal vide order dated 27.04.2016 granted interim order directing the respondents to consider the case of the petitioners. Thereafter, the 2nd respondent issued proceedings dated 04.06.2016 rejecting the cases of petitioners.

Learned counsel appearing for the petitioners contends that aggrieved by the order dated 04.06.2016 passed by the 2nd respondent, the petitioners intend to file an appeal/representation before the 1st respondent and hence requests that the writ petition be disposed of directing the petitioners to submit an appeal/representation to the 1st respondent and the 1st respondent be directed to consider the said appeal/representation and pass appropriate orders in accordance with law.

Learned Government Pleader appearing for the respondents contends that if the petitioners prefer an appeal/representation to the 1st respondent, the 1st respondent would consider the same and pass appropriate orders in accordance with law within a reasonable time frame.

This Court, having considered the rival submissions made by the learned counsel for the respective parties, is of the considered view that this writ petition can be disposed of directing the petitioners to submit an appeal/representation to the 1st respondent within a period of two weeks from the date of receipt of a copy of this order seeking fixation of pay scales in accordance with Career Advancement Scheme and other related issues. Upon such appeal/representation being received, the 1st respondent shall

consider the same and pass appropriate orders in accordance with law within eight weeks thereafter.

With the above observations, the writ petition is disposed of.
No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

Date: 01-11-2019
Prv



