

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION (TR) No.2027 of 2017

ORDER:

This writ petition is filed seeking the following relief :-

“.....to direct the respondents to fix the pay of the applicants in the scale of Rs.1010-18001 in the 1986 Revised Pay Scales by taking into account G.O.Ms.No.293 dated 17.12.2011 and the consequential Proceedings No.BSV/ 1061-63/ 2013, dated 14.8.2013 issued by the Superintendent, Borstal School, Nizamabad, with all consequential benefits by declaring the action of the respondents as illegal, bad and arbitrary.....”

Heard the learned counsel for the petitioners and the learned Government Pleader for Home.

It has been contended by the petitioners that they are working as Instructors in the Borstal School, Nizamabad since 1986 and they are discharging their duties to the best satisfaction of their superiors and everyone concerned. The petitioners submit that initially the State Government had issued G.O.Ms.No.375 dated 19.06.1986, wherein for the post of Instructors in various categories in the Borstal Schools, the pay scale is 425-650. Subsequently, the State Government had issued G.O.Rt.No.2631 dated 24.09.1990. According to the said G.O., for the post of Instructors in the Borstal School at Nizamabad, the pay scale is shown as Rs.1010-1800. But, the said relief is not being extended to the petitioners for the reasons best known to the respondents. Challenging the same, the present writ petition is filed.

Learned counsel for the petitioners contends that the respondents have filed counter admitting that the petitioners are entitled for the pay scale of Rs.1010-1800 in the 1986 Revised Pay Scales, but the respondents are denying only on the ground that

the petitioners have approached belatedly. He further submits that similarly situated persons are getting the pay scale of Rs.1010-1800 and the same is being denied to the petitioners and the pay scales is a continuous cause of action and there is no delay on the part of the petitioners and therefore appropriate orders be passed in the writ petition directing the respondents to fix the pay of the petitioners in the pay scale of Rs.1010-1800 by duly taking into account G.O.Ms.No.293 dated 17.12.2011 and the consequential proceedings dated 14.08.2013.

Learned Government Pleader appearing for the respondents has contended that though the petitioners are entitled for the pay scale, they have approached belatedly. Therefore, the writ petition is liable to be dismissed on the ground of delay and laches.

This Court, having considered the rival submissions made by the learned counsel for the respective parties, is of the considered view that when once the respondents have admitted in the counter that the petitioners are entitled for pay scale of Rs.1010-1800, in all fairness, the respondents must extend the same pay scale to the petitioners without non-suiting the petitioners on the ground of delay and laches.

Insofar as the pay scale aspect is concerned, the petitioners are drawing less pay scales and it is a continuous cause of action. Therefore, the petitioners cannot be denied the benefit of pay scale on the ground of delay and laches. Hence, the writ petition is allowed and the respondents are directed to extend the pay scale of Rs.1010-1800 in the 1986 Revised Pay Scales and revise the pay scales of the petitioners from time to time and pass appropriate

orders in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

12-11-2019

Prv

