

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

CONTEMPT CASE No. 2713 of 2018

ORDER:

This Contempt Case is filed alleging violation of the order dated 21.03.2018 passed in WP.No.5655 of 2018, wherein and whereby this Court directed the respondents to consider the representation of the petitioner, within a period of eight weeks from the date of receipt of a copy of the order.

Counter is filed stating that in compliance of the orders passed by this Court in the writ petition, the respondents considered the representation of the petitioner and passed a speaking order vide Letter No.EE/Dvn.4/GVC.4/WC.1/M/653, dated 30.05.2018, stating as follows;

“The petitioner Sri B.Ashok Rao, Work Inspector Gr.IV has not possessed requisite qualification as prescribed in G.O.Ms.No.226, dated 26.06.1980. The SPP-I/SPP-II cannot be allowed merely on completion of the same.”

Learned counsel for the petitioner submits that similarly placed persons who are having SSC qualification were granted the benefit of SPP-I and SPP-II, but the same were not cancelled; that the respondents denied and cancelled the said benefit of SPP-I and SPP-II only in case of petitioner which is discriminatory in nature; and that the respondents have not considered the representation of the petitioner in proper perspective.

On the other hand learned Government Pleader for Services submits that though petitioner was granted increments towards SPP-I and SPP-II initially, on review the respondents came to know that the petitioner is not having requisite qualifications as per G.O.Ms.No.226, dated 26.06.1980, and as such, withdrawn the said benefit to the petitioner. He also submits that challenging the same the petitioner filed WP.No.36126/2014 requesting to suspend the operation of proceedings dated 20.10.2014 issued by the 4th respondent therein and to direct the respondents not to recover the amount from the petitioner, pending disposal of the said writ petition, and this Court granted interim order on 26.11.2014 granting stay of recovery of the amount from the petitioner. In compliance of the said orders recovery was stopped and final orders in the said writ petition are awaited. He further submits that petitioner again filed the present writ petition requesting to direct the respondents forthwith release Rs.2,50,000/- of SPP-I (16 years) & SPP-II (24 years) towards increments and Rs.7,00,000/- towards leave encashment; and that this Court disposed of the said writ petition directing the competent authority to consider the representation of the petitioner and take action, and in compliance of the said orders the respondents considered the representation of the petitioner and passed a speaking order vide Letter No.EE/Dvn.4/GVC.4/WC.1/M/653, dated 30.05.2018, stating that the petitioner is not eligible for granting SPP-I/SPP-II increments, as he does not possess the requisite qualification as prescribed in G.O.Ms.No.226, dated 26.06.1980, and that the said SPP-I (16 years)

and SPP-II (24 years) scale cannot be granted by only mere completion of service of 16 and 24 years, respectively.

In this case it is to be seen that when petitioner's grant of SPP-I and SPP-II benefit was withdrawn by the respondents, petitioner filed WP.No.36126/2014 and this Court granted interim stay of recovery of amount from the petitioner and the said writ petition is still pending. Hence, the petitioner can raise all his contentions regarding discrimination in the said writ petition. If petitioner succeeds in the said writ petition he will get all the benefits as rightly contended by the learned Government Pleader for Services. More so, the respondents have complied with the order dated 21.03.2018 in WP.No.5655/2018 by passing a speaking order dated 30.05.2018.

In view of the above, I do not see any violation of the orders passed by this Court by the respondents. However, it is open for the petitioner to raise all his contentions in the WP.No.36126/2014 which is pending.

Accordingly, Contempt Case is closed. No order as to costs.

As a sequel to the disposal of this case, miscellaneous applications, if any, pending shall stand closed.

A.RAJASHEKER REDDY, J

28.03.2019
tk