THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.41028 OF 2017

ORDER:

This Writ Petition is being disposed of at the admission stage with the consent of both the parties.

The Writ Petition is filed with the following prayer:-

> "...to issue Writ Order or Direction more particularly one in the nature of Writ of Mandamus by declaring the action of the respondents in not extending service benefits such as counting of previous service for the purpose of seniority, pay fixation, increments on par with DSC.1989 batch candidates from the date of termination till the date of reinstatement, as it was done in the case of Smt. Ayesha Begum of Karimnagar District vide Memo No.3935/PE-Ser.I/2012 dated 13.03.2013 and Gopal & six others of Mahabubnagar District vide Memo No.2077/Ser.II/A1/2015 dated 07.07.2017, as illegal, arbitrary and violative of principles of natural justice and also discriminatory in nature and consequently direct the respondents to extend the service benefits from the date of initial appointment till the date of reinstatement for counting of pervious service for seniority, pay fixation, increments and also for extension of old pension scheme as it was done in the case of similarly situated persons vide memo dated 13.03.2013 and memo dated 07.07.2017."

Heard Mr. P. Raghavender Reddy, learned counsel for the petitioners and the learned Government Pleader for Services-I for the respondents.

It has been contended by the petitioners that they have participated in the DSC-1989 and subsequently, the Government had issued G.O.Ms.No.156 dated 08.07.1996 wherein 912 posts of Special Teachers were created in the concerned twenty districts, out of which 389 posts were allotted to the erstwhile Nalgonda

District. Accordingly, the petitioners were selected and appointed as Special Teachers on 01.08.1996. The grievance of the petitioners is that they were recruited in pursuance of DSC-1989 and they were appointed as Special Teachers on 01.08.1996 but the respondents have terminated their services during September, 2001, on the alleged ground that the petitioners were not in the merit list. The said termination orders were challenged by the petitioners by filing O.A.No.7311 of 2002 before the A.P. Administrative Tribunal. The Tribunal was pleased to allow the said O.A. on 20.08.2002 by setting aside the termination orders of the petitioners. Subsequently, the petitioners were reinstated into service during June/July, 2004. It is the case of the petitioners that though the petitioners were reinstated into service in the year 2004, previous service rendered by petitioners from the date of termination till reinstatement into service i.e., from September, 2001 to June/July, 2004, has not been counted for the purpose of seniority, pay fixation, increments and also for extension of old pension scheme. Learned counsel for the petitioners submits that one Smt. Ayesha Begum of Karimnagar District and Gopal of Mahabubnagar District have been extended the benefit of continuity of service vide memos dated 13.03.2013 and 07.07.2017 respectively and as the petitioners are also similarly situated to that of Smt. Ayesha Begum and Gopal, their case deserves to be considered on par with the abovementioned individuals in whose favour Government had passed orders vide memos dated 13.03.2013 and 07.07.2017. Counsel for the petitioners further contends that the third respondent herein, the District Educational Officer, had recommended the case of the petitioners to the second

respondent, the Commissioner and Director of School Education, and so far the second respondent has not passed any orders on the proposals submitted by the third respondent.

Considering the submissions made, this Court is of the view that this Writ Petition can be disposed of directing the second respondent herein, the Commissioner and Director of School Education, to pass appropriate orders on the proposal submitted by the third respondent within a period of six (6) weeks from the date of receipt of a copy of this order.

With these observations, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

(ABHINAND KUMAR SHAVILI, J)

22nd April 2019
RRB