

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.1370 OF 2007

DATED : 24.01.2020

Between :

Naseem Sulthana, W/o.Sirazulla Khan,
Aged about 43 yrs, S.G.Teacher,
Iqbal Urdu High School (Aided), Sirpur Kagaznagar,
Adilabad District & another.

.....Petitioners

And

Government of Andhra Pradesh,
Rep., by its Secretary,
Finance Department, Secretariat,
Hyderabad & others.

.....Respondents



The Court made the following:

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ORDER:

Heard learned counsel for the petitioners, learned Government Pleader for Finance & Planning appearing for respondents 1, 4 and 5, learned Government Pleader for Education appearing for respondent No.2.

2. The averments made in the affidavit filed in support of the writ petition would disclose that petitioners while working as Secondary Grade Teachers, Government issued orders in G.O.Ms.No.40 Fin.& Plg., dated 02.02.1993, to sanction advance increments for possession or acquisition of higher qualifications and also Family Planning Incentive towards undergoing sterilization in the Revised Pay Scales, 1986. Pursuant to the above decision, petitioners were sanctioned advance increments towards family planning incentive or additional qualifications, as the case may be, from November 1998. By the order dated 28.12.2006, which is impugned in the writ petition, the amounts earlier sanctioned in the above manner was sought to be recovered. This Court by order, dated 25.01.2007 granted interim stay, as prayed for.

3. In view of the interim order, the amounts already paid were not recovered.

4. The Very issue came up for consideration before the Division Bench in W.P.No.11808 of 2006. By the judgment dated 8.11.2006 the Division Bench held that the employee is not entitled to additional increments. However, having regard to the

fact that employees were paid additional increments, the Division Bench ordered not to recover the amounts already paid.

5. Following the said decision, this Writ Petition is also disposed of directing the respondents not to affect recovery of the amounts already paid to the petitioners, which was sought to be recovered by the order impugned.

6. Accordingly, the Writ Petition is disposed of. Pending miscellaneous petitions, if any, shall stand closed.

24th January, 2020
Rds

P.NAVEEN RAO,J

