

HIGH COURT FOR THE STATE OF TELANGANA

THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN

AND

THE HON'BLE SRI JUSTICE A. ABHISHEK REDDY

WRIT APPEAL No.876 of 2019

12.02.2020

Between:

The State of Telangana,
Represented by its Principal Secretary,
School Education Department,
Telangana Secretariat, Hyderabad-22,
And others.

...Appellants

and

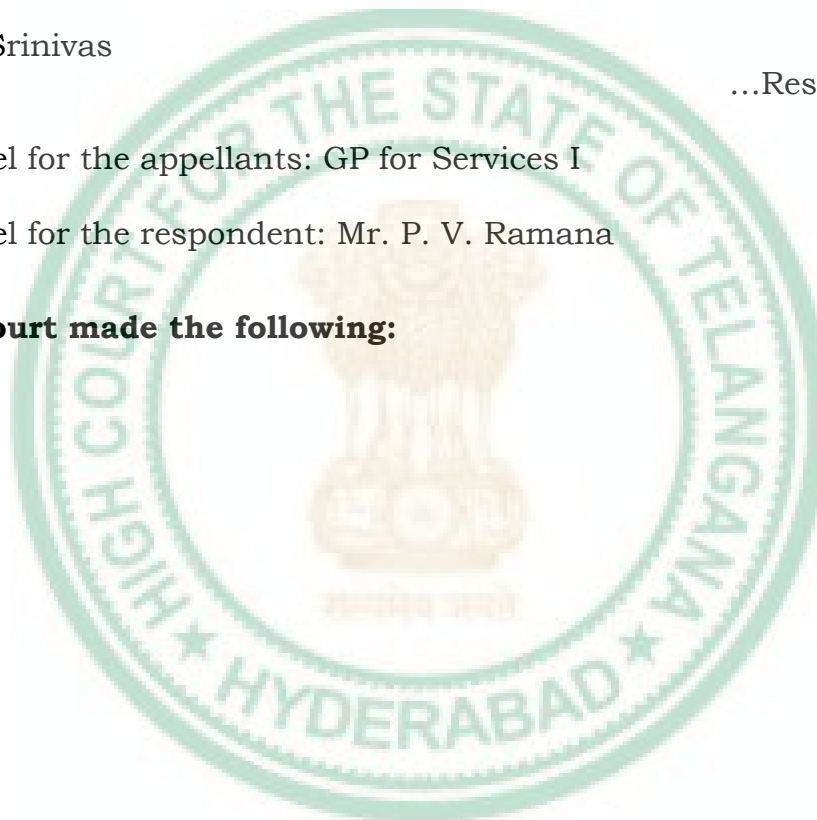
Sri T. Srinivas

...Respondent

Counsel for the appellants: GP for Services I

Counsel for the respondent: Mr. P. V. Ramana

The Court made the following:



JUDGMENT: (Per the Hon'ble the Chief Justice Sri Raghvendra Singh Chauhan)

The appellants have challenged the legality of the order, dated 30.11.2018, passed by a learned Single Judge in Review I.A.No.1 of 2018 in W.P.No.45228 of 2016, whereby the learned Single Judge had dismissed the Review Petition filed by the appellants.

Bereft of any details, the brief facts of the case are that by order, dated 23.12.2016, the learned Single Judge had passed an order based on the consent of both the parties. The order is as under:-

“Since it is the admitted case that the petitioner was also appointed as School Assistant in the subject of Mathematics like her junior M. Sambaiah, merely because the petitioner was subsequently made to work as a School Assistant in the subject of Physical Science, the respondents cannot allow more pay to M. Sambaiah and deny the same benefit to the petitioner.

Therefore, the proceedings dt.24.05.2016 of the 3rd respondent is prima facie arbitrary and it is suspended and consequently the respondents are directed to extend the benefit of step-up of pay to the petitioner at Rs.1,950/- (sic) with effect from 13.06.2013 as was done in the case of M. Sambaiah.”

Subsequently, the appellants had filed an application for vacating the said order dated 23.12.2016. However, on 28.02.2018, the learned Single Judge had passed the following order:-

“Though W.V.M.P.No.717 of 2017 is filed to vacate the said order, learned Government Pleader for Services states that the petitioner is entitled to the same pay of Rs.1,950/- (sic) as was done in the case of M. Sambaiah, who is her

junior. If this is so, there is no question of vacating the order passed on 23-12-2016 in W.P.M.P.No.55757 of 2016 in W.P.No.45228 of 2016.

Therefore, W.V.M.P.No.717 of 2017 is dismissed.”

Aggrieved by the order, dated 28.02.2018, the appellants had filed W.A.No.1182 of 2018 before the learned Coordinate Bench. However, by order dated 25.09.2018 the learned Coordinate Bench had directed the appellants to file a Review Petition before the learned Single Judge. Consequently, the appellants had filed the Review Petition before the learned Single Judge. However, as mentioned above, by order, dated 30.11.2018, the learned Single Judge dismissed the Review Petition, *inter alia*, on the ground that the Government Memo, dated 05.01.1999, was never brought to the notice of the Court. In fact, the initial interim order, dated 23.12.2016, was a consented order. Therefore, the learned Single Judge has dismissed the Review Petition. Hence, the appeal before this Court.

Once a consensual order is passed, and once the same statement is made before the learned Single Judge on 28.02.2018 that the petitioner in the Writ Petition is entitled to receive the pay of Rs.19,050/- with effect from 13.06.2013, as was done in the case of his colleague, M. Sambaiah, the learned Single Judge was certainly justified in dismissing the Review Petition. Furthermore, the case is at the interlocutory stage; the learned counsel for the appellants can make a request before the learned Single Judge for disposal of the main Writ Petition.

Therefore, this Court does not find any illegality or perversity in the impugned order passed by the learned Single Judge.

The Writ Appeal is devoid of any merit; it is, hereby, dismissed.

The miscellaneous petitions pending in this appeal, if any, shall stand closed. There shall be no order as to costs.

RAGHVENDRA SINGH CHAUHAN, CJ

A. ABHISHEK REDDY, J

12.02.2020
vs

