

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION (TR) No.1844 OF 2017

ORDER:

Heard Sri M.Pandu Ranga Rao, learned counsel for the petitioner and the learned Government Pleader for Services-I.

This writ petition is filed seeking the following relief :-

“.....to declare that G.O.Rt.No.560 Higher Education (IE.1-2) Department, dated 09.08.2012 issued by the Government in far as it directs that the applicant should be placed in the Minimum of the Time Scale of Pay is bad and further declare that the Applicant is entitled regular scale of Pay attached to the post of Lab Attender as revised from time to tome with annual grade increments whenever they are due right from her regular appointment with all arrears and also the costs incurred by her in Writ Petition as well as in SLP pursuant to the Order in contempt Case No.1698/2011 in WP.No.24199/2011 dated 25.06.2001 and pass such other order”

It has been contended by the petitioner that she was appointed as a Lab Attender on consolidated pay during 1989 and ever since, she has been discharging her duties to the best satisfaction of her superiors and everyone concerned. Later, her services were regularised vide proceedings dated 15.03.1990. She further contends that when respondents made an attempt to convert her services from regular Lab Attender to a Lab Attender on consolidated pay, she has filed W.P.No.24199 of 1998 and this Court vide order dated 25.06.2001 allowed the said writ petition. Against the said order, the respondents have approached the Hon'ble Supreme Court by filing Civil Appeal Nos.18788/18791/2002 and the Supreme Court vide its order

dated 05.10.2010 dismissed the Civil appeals. She further contends that inspite of the order by this Court, which was also confirmed by the Supreme Court, the respondents have not paid regular pay scale attached to the post of Attender to her, instead, they have issued G.O.Rt.No.560 dated 09.08.2012, placing her in the minimum time scale of pay. Challenging the same, the present writ petition is filed.

Learned counsel for the petitioner contends that on the earlier occasion when the services of the petitioner are converted from regular Lab Attender to Lab Attender on consolidated pay, petitioner has filed W.P.No.24199 of 2011 and this Court allowed the said writ petition vide order dated 25.06.2011 and the same was confirmed by the Hon'ble Supreme Court in Civil Appeal Nos.18788/18791/2002 vide its order dated 05.10.2010. In spite of the same, respondents have placed the petitioner in the minimum time scale of pay. Therefore, he contends that appropriate orders be passed in the writ petition directing the respondents to extend the petitioner the regular scale of pay attached to the post of Lab Attender, with all consequential benefits.

Learned Government Pleader appearing for the respondents has not disputed any of the contentions raised by the learned counsel for the petitioner and informed the Court that petitioner is being paid the minimum time scale of pay but not the regular pay scale attached to the post of Lab Attender.

This Court, having considered the rival submissions of the learned counsel appearing for the respective parties, is of the

considered view that the issue whether the petitioner is entitled for regular pay scale attached to post of Lab Attender is already adjudicated by this Court in W.P.No.24199 of 2011 and this Court vide its order dated 25.06.2001 categorically held that petitioner is entitled for regular pay scale attached to the post of Lab Attender. Therefore, the action of the respondents in placing the petitioner in the minimum time scale of pay is an arbitrary exercise and hence, the impugned G.O.Rt.No.560, dated 09.08.2012 is liable to be set aside and accordingly it is set aside, only in respect of the petitioner. Further, the respondents are directed to extend the regular pay scale attached to the post of Lab Attender to the petitioner, with all consequential benefits.

With the above observations, this writ petition is allowed.
No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 06-01-2020
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