

**HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)**

THURSDAY, THE THIRTEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE NAGESH BHEEMAPAKA

WRIT PETITION NO: 37943 OF 2016

Between:

P. Buchi Reddy, S/o. Late.P.Yella Reddy, Aged about 61yrs, Occ Rtd Sub
Treasury Officer, R/o. H.No.05-5-20, Cooli Line, Kothagudem- Khammam Dist
- 507101

...PETITIONER

AND

1. The State of Telangana, Rep by its Principal Secretary, Dept of Finance, Secretariat, Hyderabad
2. The Director, Treasuries & Accounts, Telangana State, Abids, Hyderabad
3. The Deputy Director, FAC Dist Treasury Office, Khammam
4. The District Treasury Officer, Dist. Treasury Office, Khammam

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue pass any writ, order or direction more particularly In the nature of writ of mandamus directing the respondents to grant the special grade increment to the petitioner as per G.O.M.S.No.362 F.P(Revenue PC-II) Department dt.28.10.1994 for implementing Revised Automatic advancement Scheme for 8, 16 and 24 year of service in the same post w.e.f., 1992, as the petitioner is fully eligible and entitled for the benefit on par with similarly situated persons from the date it became eligible for the petitioner and consequently direct the respondents to refix the last drawn pay on the date of his retirement on superannuation, refix the pension etc., by extending the benefit as per the G.O. and consequently direct the respondents to pay all the arrears to the petitioner as per the eligibility.

I.A. NO: 1 OF 2016(WPMP. NO: 46746 OF 2016)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents to dispose of the representation dt. 23.12.2013 in terms of G.O.M.S.No.362 F.P(Revenue PC-II) Department dt.28.10.1994 for implementing Revised Automatic advancement Scheme for 8, 16 and 24 year of service in the same post w.e.f., 1992, on par with juniors and other similarly situated persons pending disposal of the writ petition.

Counsel for the Petitioner: SRI GOPALA RAO AMANCHARLA.V

Counsel for the Respondents: GP FOR SERVICES-I

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE NAGESH BHEEMAPAKA**WRIT PETITION No.37943 of 2016****ORDER:**

The petitioner was appointed as Attender in the District Treasury Office on 17.07.1982 and was promoted as Shroff on 11.11.1983. He completed 8 years of service as Shroff on 10.11.1991. He was promoted as Junior Accountant on 28.07.1993. The Government issued G.O.Ms.No.362, Finance & Planning Department, dated 28.10.1994, for implementing Revised Automatic Advancement Scheme by granting Stagnation Increment for those who were not despite completion of 8 years in the same post, due to lack of vacancies; and so the employees would become eligible for stagnation increment for 8, 16, and 24 years of service in case they do not get promotion in the meantime. The petitioner having completed 8 years of service as Shroff on 10.11.1991 became eligible for stagnation increment as of 1992 as he was not promoted, and he came to be promoted only on 28.07.1993. However, the respondent-authorities have not granted him stagnation increment; hence this writ petition.

2. Heard Mr. Amancharla V. Gopal Rao, learned counsel for the petitioner; and learned Government Pleader for Services-I. Perused the record.
3. Learned counsel for the petitioner, while making submissions in line with the writ affidavit, essentially contends that the petitioner completed 8 years of service as Shroff and was not promoted to next grade and therefore he is entitled to stagnation increment. It is also contended that even as per the counter affidavit, admittedly, the petitioner was not promoted and therefore rejection of the petitioner's representation in pursuance of the

interim order of this Court, dated 04.11.2016, on the ground that the immediate junior of the petitioner has been promoted to the cadre of Junior Accountant ahead of the petitioner, is not tenable.

4. Learned Government Pleader, based on the counter affidavit, essentially contends that Mr. Venkateshwarlu was actually senior to the petitioner as per Roster Points, however, junior to the petitioner in the cadre of Shroff, and Mr. Venkateshwarlu was given promotion as Junior Accountant ahead of the petitioner, and the petitioner's representation just five days prior to his retirement date, seeking stagnation increment from 1992 and revision of consequential monetary entitlements after a lapse of 21 years cannot be considered and therefore the petitioner is not entitled to Automatic Advancement Scheme.

5. Having considered the respective contentions and perused the record, it is to be noted that the purpose of Revised Automatic Advancement Scheme under GOMs.No.362 was to provide monetary benefit by way of granting Stagnation Increment to employees who remain in the same post/cadre for continuous 8 years without promotion due to lack of vacancy. Admittedly, the petitioner spent 8 years in the same post of Shroff, i.e., from 1983 to 1991, and he became entitled to the stagnation increment by 1992 as he was not promoted by then, and he was promoted only in 1993 as Junior Accountant. The promotion of another employee in a vacancy that has arisen does not denude the benefit of automatic advancement scheme to the petitioner. In fact, the Scheme was introduced in 1994 and it is for the authorities to implement the scheme for employees by assessing as to which employee became entitled under the Scheme, and it is not mandatory for the employee to make a formal representation for implementation of the scheme, as it is the employer who is the custodian of records.

6. Be that as it may, in the instant case, the petitioner having completed 8 years of service as Shroff by 1991 should have either been promoted or, in the alternative, granted stagnation increment at the relevant time. Therefore, the grounds taken for rejecting the request of the petitioner for implementation of the Scheme stating that the petitioner has made a representation just five days prior to retirement cannot be countenanced. In that view of the matter, the writ petition deserves to be allowed.

7. Accordingly, the writ petition is allowed. No. costs. The 2nd respondent is directed to grant the Stagnation Increment at the relevant time it fell due after completion of 8 years in the same post; and accordingly recalculate the monetary entitlements of the petitioner, including pension and retirement benefits and pay the benefits, within a period of three months from the date of receipt of a copy of this order. Miscellaneous petitions, pending if any, shall stand closed.

That Rule Nisi has made Absolute as above witness
The Hon'ble SRI SUJOY PAUL, The Acting Chief Justice on this Thursday, the
Thirteenth Day of March, Two Thousand and Twenty Five.

Sd/-K.BHAVANI SWAMY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Dept of Finance, Secretariat, Hyderabad, State of Telangana.
2. The Director, Treasuries & Accounts, Telangana State, Abids, Hyderabad
3. The Deputy Director, FAC Dist Treasury Office, Khammam
4. The District Treasury Officer, Dist. Treasury Office, Khammam
5. One CC to SRI GOPALA RAO AMANCHARLA.V., Advocate [OPUC]
6. Two CCs to GP FOR SERVICES-I, High Court for the State of Telangana at Hyderabad [OUT]
7. Two CD Copies

BSR
PMK

PA

HIGH COURT

DATED:13/03/2025

ORDER

WP.No.37943 of 2016



**ALLOWING THE WRIT PETITION,
WITHOUT COSTS**

(10) PA
6/12/25