APHC010597432024

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3573]**
(Special Original Jurisdiction)

WEDNESDAY, THE 28th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

WRIT PETITION NO: 31237/2024

Between:

1. Y V CHANDRA RAO, S/O APPARAO, AGED 54 YEARS, LAB ATTENDER / LAB ASSISTANT, GOVERNMENT JUNIOR COLLEGE, VEMURU, BAPATIA DISTRICT, R/O D.NO.5-55, MANIVARI VEEDHI,
2. K.V. NARAYANA, S/O POLAIAH, AGED 54 YEARS. LAB ATTENDER / LAB ASSISTANT, GOVERNMENT JUNIOR COLLEGE, CUMBUM, PRAKASAM DISTRICT, R/O D.NO.7/70, KANDULAPURAM, S.C. BOYS HOSTEL BACKSIDE CUMBUM, PRAKASAM DISTRICT.

...PETITIONER(S)

AND

1. THE STATE OF AP, REP. BY ITS PRINCIPAL SECRETARY, SCHOOL EDUCATION (I.E.) DEPARTMENT, AP SECRETARIAT, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT.
2. THE COMMISSIONER OF INTERMEDIATE EDUCATION, ANDHRA PRADESH, TADEPALLI, GUNTUR DISTRICT.
3. THE REGIONAL JOINT DIRECTOR, ZONE-ILL, GUNTUR, GUNTUR DISTRICT

...RESPONDENT(S):

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 an appropriate writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in not extending the benefit of minimum in the time scale to the petitioners from the dates of their initial appointment i.e., 02.11.1991, 17.07.1993 and 02.01.1993 till 12.11.2008 as illegal, arbitrary and violative of Articles 14, 16 and 21 of the Constitution of India and consequently direct the respondents to grant minimum in the time scale to the petitioners from the dates of their initial appointment i.e., 02.11.1991 and 17.07.1993 till 12.11.2008 and pass

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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 Pleased to direct the 2ND respondent to consider the request of the petitioners for extending the benefit of minimum time scale from their initial appointment, pending disposal of the writ petition and pass

Counsel for the Petitioner(S):

1. MANOJ KUMAR BETHAPUDI

Counsel for the Respondent(S):

1. GP FOR SERVICES III

The Court made the following:

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

ORDER:

The Writ Petition is filed for the following relief:

> *"to issue an appropriate writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in not extending the benefit of minimum in the time scale to the petitioners from the dates of their initial appointment i.e., 02.11.1991, 17.07.1993 and 02.01.1993 till 12.11.2008 as illegal, arbitrary and violative of Articles 14, 16 and 21 of the Constitution of India and consequently direct the respondents to grant minimum in the time scale to the petitioners from the dates of their initial appointment i.e., 02.11.1991 and 17.07.1993 till 12.11.2008 and pass…"*

2. Heard Sri Manoj Kumar Bethapudi, learned counsel for the petitioners and Sri G.V.L.Murthy, learned Government Pleader for Services-III appearing on behalf of respondents.

3. The case of the petitioners herein is that 1st petitioner was appointed as Vocational Lab Attender on 02.11.1991 at Government Junior College, Vemuru, and the 2nd petitioner on 17.07.1993 at Government Junior College, Cumbum, on part-time basis, but both have been discharging duties on full-time basis, i.e., eight hours a day, against sanctioned posts. Though their wages were enhanced from time to time, their services were not regularized under G.O.Ms.No.212, dated 22.04.1994, for want of five years' service as on 25.11.1993. Subsequently, minimum time scale was extended to them under G.O.Ms.No.274, dated 12.11.2008, followed by further pay revisions under G.O.Ms.Nos.22, dated 05.03.2011, and 142, dated 27.08.2018. While so, the 2nd respondent, *vide* proceedings, dated 10.04.2019, recommended consideration of the cases of such full-time Vocational Lab Attenders for regularization, and the proposal is pending before the 1st respondent. Relying upon the orders passed in O.A.No.9232 of 2013 concerning a similarly

situated employee, the petitioners sought the benefit of minimum time scale from their respective dates of initial appointment till 12.11.2008. Pursuant to the directions of the 3rd respondent, the Principal, Government Junior College, Vemuru, submitted a report dated 15.07.2024 in respect of the 1st petitioner, and the matter remains pending before respondent Nos. 2 and 3. Hence, the petitioners herein approached this Court by filing the present Writ Petition seeking a direction to the respondents to grant minimum time scale to the petitioners from the date of their initial appointments i.e., 02.11.1991 and 17.07.1993.

4. Learned counsel for the petitioners contends that petitioner Nos.1 and 2 were appointed on 02.11.1991 and 17.07.1993 respectively on part time basis. However, they contend that though they were appointed on part time, they continued to work as full time employees. The respondents have not extended the benefit of minimum time scale to the petitioners till 12.11.2008 on which date they were given such a benefit under G.O.Ms.No.274, Higher Education (IE-1) Department, dated 12.11.2008.

5. Learned counsel for the petitioners claims that petitioners have not completed five years of services as on 25.11.1993, as the petitioners have been working on the dates as indicated above, they are entitled for minimum time scale. He further submits that Government has considered their case for minimum time scale under the above said G.O.Ms.No.274, dated 12.11.2008, without taking into their past service into consideration and as such petitioners

are entitled for the benefit for minimum timescale from their initial appointment.

6. Learned Government Pleader for Services-III appearing on behalf of respondents submits that petitioners were extended the benefit of minimum time scale on 12.11.2008. Under G.O.Ms.No.274, Higher Education (IE-1) Department, dated 12.11.2008 petitioners have accepted the same, they are continued to work with the M.T.S. from the said date. He further submits that now after more than 14 years, they came before this Court seeking to extend the benefit of minimum time scale w.e.f. the alleged date of initial appointments i.e., 02.11.1991 and 17.07.1993.

7. Heard both the learned counsel and perused the record.

8. Having considered the submissions of the learned counsel for the petitioners and the material placed on record, this Court finds that the petitioners have already been extended the benefit of minimum time scale with effect from 12.11.2008, in accordance with the applicable Government Order. No material has been placed before this Court to establish any legal obligation on the respondents to extend the said benefit retrospectively from the respective dates of initial appointment, prior to the issuance of G.O.Ms.No.274, dated 12.11.2008. In the absence of any such enforceable right, the petitioners cannot claim the benefit of minimum time scale for the period preceding 12.11.2008 merely on the ground that they had been working from the dates of their initial appointment that apart petitioners having been taken the benefit of minimum time scale with effect from 12.11.2008,

they did not ask for the back wages from the date of their initial appointment. After lapse of more than 14 years now they came up with the present writ petition. Accordingly, this Court finds no merit in the grievance raised by the petitioners.

9. In view of the above, this Court did not find any merits in the contention of the learned counsel for the petitioners.

10. Accordingly, the Writ Petition is dismissed. No costs.

Consequently, miscellaneous petitions if any, shall stand closed.

JUSTICE BALAJI MEDAMALLI

Dated: 28.10.2026
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Writ Petition No. 31237 of 2024

Date: 28.10.2026

M K K