

**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI****WRIT PETITION NOs: 3223 of 2008 AND 6827 of 2004**

N. Jayasimha Reddy, Prakasam Dist. ...Petitioner

Vs.

The Regional Manager, APSRTC Prakasam ...Respondent(s)
Dist., and Others

Advocate for Petitioners: CHALLAGALI GOPALARAJU

MADHAVA RAO NALLURI

Advocate(s) for Respondent(s): ARAVALA RAMA RAO (SC FOR
APSRTC)**CORAM : SRI JUSTICE CHALLA GUNARANJAN****DATE : 17th February 2026****COMMON ORDER:**

In both these writ petitions, grievance is that though petitioner possessed required eligible period of service, the periodical annual grade increments and special grade increments were not given effect to on appropriate spells, thereby denied him the legitimate right for the said increments. Hence, necessitated to prefer these cases.

2. (a) Petitioner was appointed as Conductor on 01.06.1987 and has been in service since then. As per the service regulations of respondent Corporation, petitioner was

supposed to be granted annual grade increments and also special grade increments.

(b) Petitioner claimed that though he was subjected to punishment of deferment of annual grade increments, the respondent Corporation, instead of paying the increment amounts on completion of the period of punishment, has been delaying for indefinite period. Therefore, petitioner preferred W.P. No.6827 of 2004.

(c) That apart, in terms of circular dated 03.06.1989, on completion of 12 years of service, petitioner was entitled for special grade increment, however, he was not extended the said benefit. On the other hand, even belatedly awarded special grade increment, was sought to be reversed, without any prior notice. The benefit so extended came to be abruptly withdrawn and respondent Corporation had purported to recover the special grade increment by adjusting ₹1,000/- every month w.e.f. January, 2008. In that view of the matter, W.P. No.3223 of 2008 came to be preferred.

3. Heard Sri D.Kasim Saheb, learned counsel, representing Sri Challagali Gopala Raju, and Sri Madala Sai Teja, learned Counsel, representing Sri Madhava Rao Nalluri, learned counsels

for petitioner on record and Sri Aravala Rama Rao, learned standing counsel for respondents.

4. Learned counsels appearing for petitioner in both cases contend that though it is not in denial that on account of punishment imposed on petitioner, in particular deferment of increments, at least on completion of the period of punishment, the respondents ought to have settled the increments on respective due dates rather than prolonging it and thereby, denied the legitimate right of petitioner to the increments, which is clearly illegal and arbitrary. Further, it is also contended that the respondents ought not have resorted to recovery of special grade increment that was extended after a period of eight years by way of adjustment in monthly salary, which is highly deprecated and held to be impermissible by Hon'ble Apex Court in **State of Punjab and others v. Rafiq Masih (White Washer) and others**¹.

5. (a) Per contra, learned counsel for respondent while reiterating the contents of the counter filed in respective cases contended that the writ petitioner was subjected to as many as 17 punishments, therefore, currency of said punishments petitioner was not entitled to be extended with other annual grade

¹ (2015) 4 SCC 334

increments or special grade increments and only on completion of the punishment, respective monetary benefits would flow. Clause No.14 of Circular dated 03.06.1989 clearly envisages that any such benefit would accrue only after completion of punishment period. Therefore, the respondent Corporation was diligent enough in applying the said circular and only on completion of the punishment period, petitioner was extended the benefit of increments.

(b) Further, it is stated that by inadvertence and mistake, one of the special grade increment was extended on 01.05.2000, though petitioner was undergoing punishment, having realized such mistake, respondent Corporation intended to recover the same from the month of January, 2008 and at any rate, as petitioner was undisputedly undergoing the punishment period, so therefore, not entitled to receive any monetary benefit during the said period and hence, tried to justify the aforesaid action.

6. On perusal of the contents of counter and as well as the material placed along with the writ petitions, it is discernible that the writ petitioner has been subjected to multiple disciplinary actions and resultantly, he was awarded punishments on 17 occasions resulting in majority of cases deferment of annual

increments. As the said position is undeniable, it does not require to extensively refer to each punishment petitioner had undergone.

7. Be that as it may, the right to claim for increments would always be subject to the punishments which petitioner had to under go and therefore, as an when the punishment period gets completed, all the increments which otherwise petitioner has earned would have to be settled with appropriate monetary benefits. Having said that the respondent Corporation rightly or wrongly has extended special grade increment on 01.05.2000, however, it could not have resorted to reverse it and undertake recovery exercise nearly after eight years by adjusting ₹1,000/- per month from the salary of the petitioner.

8. In that regard, it is now fairly well settled that any excess payments made to an employee should not be recovered after a period in excess of five years. Therefore, the writ petition to that extent has to succeed. The respondents, therefore are restrained from initiating any further recovery against petitioner insofar as the special grade increments that was already given effect to and passed on to petitioner on 01.05.2000.

9. With the aforesaid observations, these writ petitions stand disposed of. No costs.

As a sequel, miscellaneous petitions pending consideration, if any, in this case shall stand closed.

CHALLA GUNARANJAN, J
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