



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

[3457]

TUESDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION NO: 37617/2013

Between:

1.M.SIVA BRAHMANANDA REDDY, S/O M.VENKATA REDDY, 59
YEARS, E.5 1 746, H.NO.4-5-32/52/A, VIDYANAGAR 1ST LANE,
GUNTUR.

...PETITIONER

AND

1.ANDHRA PRADESH STATE ROAD TRANSPORT CORPORATION,
REP. BY ITS MANAGING DIRECTOR, MUSHIRABAD, HYDERABAD.
2.THE REGIONAL MANAGER, A.P.S.R.T.C., GUNTUR REGION,
GUNTUR.

...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 or order or direction more particularly one in the nature of writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the proceedings No.L1/876(37)/2013-RM(G) dated 13.11 .2013 of the 2nd respondent in rejecting the claim of the petitioner for 20 years special grade in the category of Junior Assistant (Finance), is arbitrary, unjust, contrary to the Settlement entered into with the Recognized Union under Section 12(3) of the Industrial Disputes Act, 1947, contrary to the Circular No.PD-4/2011 dated 12.01.2011, in violation of principles of natural justice, discriminatory and in violation of Article 14 and Article 21 of the Constitution of India and set aside the same and consequently direct the Respondents to sanction 20 years special grade in the post of Junior Assistant

(Finance) to the petitioner as on 01.08.2009 and accordingly fix his pay and pay the difference of pay and allowances and retirement benefits to the petitioner, and pass.

IA NO: 1 OF 2013(WPMP 46803 OF 2013)

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 fix an early date of hearing of the writ petition and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:

1.A G SATYANARAYANA RAO

Counsel for the Respondent(S):

1.P DURGA PRASAD SC FOR APSRTC

The Court made the following:

Order:-

The petitioner is aggrieved by the action of the respondents in passing the proceedings dated 13.11.2013, whereby the 2nd respondent has rejected the claim of the petitioner for extension of 20 years' special grade increment in the category of Junior Assistant (Finance).

2. The learned counsel appearing for the petitioner submits that the petitioner initially joined the respondent-Corporation as a Junior Assistant on 10.07.1980. The petitioner was promoted to the cadre of Senior Assistant on 30.07.2009. The petitioner was extended special grade increment after completion of 12 years of service on 01.08.1993.

3. It is the specific case of the petitioner that the petitioner is entitled for 20 years' special grade increment after completion of 20 years of service. As on 09.07.2000, the petitioner had completed 20 years of service and ought to have been extended the second advancement increment. The petitioner continued in the post of Junior Assistant even after completing 20 years of service and was promoted only after putting in 29 years of service in the cadre of Junior Assistant. An understanding between the Management of the respondent and the labour union resulted in issuance of a circular dated 12.01.2011.

4. It is submitted that the circular would entitle the petitioner to extension of the advancement increment after completion of 20 years. In that regard, the petitioner had earlier filed a writ petition seeking extension of the 20 years'

stagnation advancement increment in W.P. No. 26675 of 2013. The said writ petition was disposed of directing the respondents to consider the representation of the petitioner and pass appropriate orders. Thereafter, the respondents issued the impugned proceedings dated 13.11.2013, referring to the proceedings dated 12.01.2011 and stating that the said proceedings are prospective in effect and cannot be made applicable to the case of the petitioner.

5. The learned Standing Counsel appearing for the respondents submits that the petitioner was promoted to the cadre of Senior Assistant and was drawing the scale applicable to Senior Assistants. As such, the petitioner cannot claim the 20 years' special grade advancement increment, as he is not entitled for. It is also stated in the counter that the petitioner's case was considered and, on account of non-application of the circular dated 12.01.2011, the claim of the petitioner was rejected.

6. Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

7. This Court has considered similar issues in W.P. No. 40400 of 2012 and W.P. No. 26644 of 2012, wherein similar issues were considered, and this Court, in unambiguous terms, extended the 20 years' special grade increment for the service rendered by the petitioners therein.

8. The circular dated 12.01.2011 is a beneficial circular issued to extend the second advancement increment on completion of 20 years of service as

on 31.07.2009 and onwards in the same cadre. The case of the petitioner undoubtedly falls within the scope of the said circular, as the petitioner completed 20 years of service as on 09.07.2000 itself. It is also not in dispute that the petitioner's cadre remained stagnated for more than 29 years as a Junior Assistant before being promoted on 30.07.2009. The petitioner's case certainly falls within the ambit of the circular dated 12.01.2011, and the respondents are liable to extend the 20 years' special grade increment for the services rendered by the petitioner in the post of Junior Assistant. The respondents are further directed to calculate the increment payable and extend the said benefit within a period of eight (08) weeks from the date of receipt of a copy of this order.

9. With this observation, this writ petition is disposed of. There shall be no order as to costs.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE HARINATH.N

21.04.2026
PNS