



2021:TSHC:34362-DB

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

**WEDNESDAY, THE EIGHTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY ONE**

PRESENT

**THE HONOURABLE SRI JUSTICE P. NAVEEN RAO
AND
THE HONOURABLE SMT JUSTICE P. MADHAVI DEVI**

WRIT PETITION NO: 3478 OF 2006

Between:

The District Educational Officer, Warangal.

AND

...Petitioner/Petitioner

1. Sri M. Narsaiah, Retd. S.A., APSS Ashok Nagar, Warangal.
2. The Chief Executive Officer, Zilla Parishad, Warangal.
3. The Audit Officer, Local Fund, Warangal.
4. The Parishad Educational Officer, Warangal.

...Respondents/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 an appropriate writ or direction more particularly one in the nature of writ of certiorari calling for the records connected with order dt.4.3.2004 in O.A.No.6103/2000 on the file of the Hon'ble Andhra Pradesh Administrative Tribunal Hyderabad and quash the same as illegal and erroneous.

WPMP. NO: 4323 OF 2006

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 suspend the operation of the order dt.4.3.2004, which was ordered in O.A.No.6103/2000 on the file of the APAT, Hyderabad.

Counsel for the Petitioner: GP FOR SERVICES – I

Counsel for the Respondents: SRI P. NARASIMHA

The Court made the following: ORDER



HONOURABLE SRI JUSTICE P.NAVEEN RAO

And

HONOURABLE SMT. JUSTICE P. MADHAVI DEVI

WRIT PETITION No.3478 of 2006

ORDER: (PER HON'BLE SRI JUSTICE P.NAVEEN RAO)

This writ petition is filed seeking the following relief :

"... to issue an appropriate writ or direction more particularly one in the nature of "Writ of Certiorari" calling for the records connected with order dated 04-03-2004 in O.A. 6103/2000 on the file of the Honble Andhra Pradesh Administrative Tribunal, Hyderabad and quash the same, as illegal and erroneous and pass such order or orders as this Honble Court may deem fit and proper in the circumstances of the case..."

2. Heard learned Government Pleader for Services appearing for the petitioner and Sri P.Narasimha, learned counsel for the respondents.

4. First respondent joined service as S.G.B.T. on 22.09.1964. He was promoted as School Assistant with effect from 18.08.1988. As per the scheme of financial upgradation formulated by the Government to ensure that there is no stagnation in any particular cadre or scale, which requires financial upgradation to be granted to an employee on completion of 10 years, 15 years and 22 years of service, the first respondent was granted financial upgradation on completion of 22 years of service in the SGBT cadre by order dated 09.07.1990. Subsequently, on completion of eight years of service in the post of School Assistant, he was granted special grade scale by order dated 28.06.1997. While so, by proceeding dated 27.03.2000, the special grade scale granted in the cadre of School Assistant was stepped down and excess amount alleged to have been drawn was sought to be recovered from the first respondent. Aggrieved thereby, first respondent filed OA.No.6103 of 2000 before the Andhra Pradesh Administrative Tribunal, Hyderabad (for short 'the Tribunal').



5. From the correspondence placed on record, the Tribunal noticed that the reason for ordering recovery was based on a clarification issued by the Government in an issue concerning Local Fund Department. The Tribunal, having held that such reliance was wholly unwarranted and there was no illegality in granting 22 years scale as well as the eight years special grade scale, allowed the OA and issued further directions.

6. Except relying upon the decision of the Government dated 24.06.1998, issued in response to the letter addressed by the Director of Local Fund Department, no other material is placed on record to show as to how the eight years special grade scale granted to the first respondent was erroneous.

7. From the relevant dates, it is noticed that by 21.08.1986, first respondent completed 22 years of service and was therefore, entitled to financial upgradation, which was rightly granted to him. Though, the financial upgradation was granted after the first respondent was promoted as School Assistant, but the same was applicable to him for the period prior to such promotion. No material is placed on record to show that the special grade scale granted to the first respondent on completion of eight years of service as School Assistant was erroneous and needed a review. We do not find any error in the decision of the Tribunal warranting interference.

8. Writ Petition is, accordingly, dismissed.

As a sequel, Miscellaneous Petitions, pending if any, stand dismissed.

//TRUE COPY//

SD/-K.AMMAJI
ASSISTANT REGISTRAR


SECTION OFFICER

- To,
1. Two CCs to GP for Services-I, High Court for the State of Telangana at Hyderabad. [OUT]
 2. One CC to Sri P. Narasimha, Advocate [OPUC]
 3. Two CD Copies
 4. One Spare Copy

CHR
SB 



2021:TSHC:34362-DB

HIGH COURT

DATED:08/12/2021

ORDER

W.P.No.3478 of 2006



**DISMISSING THE WRIT PETITION
WITHOUT COSTS**

20/1/2022
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