

PETITIONER:
DIRECTOR OF SCHOOL EDUCATION

Vs.

RESPONDENT:
T. LAKASHMAIAH & ORS.

DATE OF JUDGMENT: 02/04/1997

BENCH:
K. RAMASWAMY, D.P. WADHWA

ACT:

HEADNOTE:

JUDGMENT:

Present:

Hon'ble Mr. Justice K. Ramaswamy

Hon'ble Mr. Justice D.P. Wadhwa

Anil Kumar Tandale, Adv. for the appellant

O R D E R

The following order of the Court was delivered:

This appeal by special leave arises from the order of the Andhra Pradesh Administrative Tribunal, Hyderabad in R.P. No.767/81, made on June 26, 1985. The Tribunal has allowed the representation petition, solely on the ground of default on the part of the appellant to file the counter-affidavit. Therein they had claimed the benefit of graded increments depending upon the length of service in terms of G.O.Ms.No.41, Finance and Planning (in Wing.PRC-I) dated 4.2.1980.

The admitted position is that the respondents were working in the post of Senior Assistant Grade-II in the pay scale of Rs. 200-240/-. They were promoted to Grade-I in the scale of Rs. 430-800/-. The Government passed an order in G.O.Ms.No. 235, dated September 7, 1979, effective from April 1, 1978, granting the revised pay scales. As stated earlier, G.O.Ms. No. 41, Fin., dated 4.2.1980 gives the benefits as under :

"Weightage for service in the existing post or category shall be as follows in the revised scale of pay, 1978.

(i) All employees in Gr. I to XVII shall be allowed one increment for service of three years and above upto five years, two increments for service of five years and above upto seven years, three increments for service of service seven years and above."

The question, therefore, is : whether the respondents are entitled to have their entire previous service as Trade-II teacher lagged to count the advance increments in terms of G.O.Ms. No.41, referred to earlier. It specifically envisages "weightage of service in the existing post or

category". It would indicate that the weightage for the service rendered in the existing post or category in which they are working shall be taken into account in terms of G.O.Ms.No. 41. In other words, if Grade-I teacher remains in Grade-I service even after putting in five years service, he is entitled to one increment; after five to seven years service, he is entitled to two increments; and for service of seven years and above, he is entitled to three increments as outer limit. On his promotion to Grade II from Grade-I in the scale of Rs. 430-800/-, necessarily on his rendering service in that post or category, namely, Grade-I, on his putting in service of three years to five years, he is entitled to one increment; for five to seven years' service, he is entitled to two increments; and for service of seven years and above, he is entitled to three increments. He cannot tag on the previous service in Grade-II for the purpose of claiming the advance increment in terms of G.O.Ms.No. 41, dated February 4, 1980.

The appeal, therefore, is allowed. The order of the Tribunal stands set aside. No costs.