

**IN THE ANDHRA PRADESH ADMINISTRATIVE TRIBUNAL :: AT HYDERABAD
THURSDAY, THE THIRD DAY OF OCTOBER, TWO THOUSAND AND THIRTEEN**

::CORAM::

THE HON'BLE SRI. M.V.P.C SASTRY, MEMBER(ADMIN.)

AND

THE HON'BLE SRI. N JANAKI RAMA RAO, MEMBER(JUDL.)

O.A.No.7124 of 2013

BETWEEN:

1. Ch. Srinivas, S/o. Gopala Krishna Murthy, Aged About 44 Years, School Assistant, Z.P.High School, Kondakarla, Atchuthapuram Mandal, Visakhapatnam District, R/o. Kondakarla.
2. R. Venkata Ramana, S/o. R. Venkayya, Aged About 46 Years, School Assistant, Z.P.High School, Kondakarla, Atchuthapuram Mandal, Visakhapatnam District, R/o. Kondakarla.
3. G. Gopi Rama Chandra Rao, S/o. Raghu Ramaiah, Aged About 41 Years, School Assistant, Z.P. High School, M.J.Puram, Atchuthapuram Mandal, Visakhapatnam District, R/o. Kondakarla.
4. Chinna Reddy Padmavathi, W/o. A. Venkata Ramana, Aged About 45 Years, Secondary Grade Teacher, MPP, Kondapalem, Atchuthapuram Mandal, Visakhapatnam District R/o. Kondapalem,
5. K. Shailaja, D/o. Bheem Rao, Aged About 45 Years, Secondary Grade Teacher, MPP, Kondapalem, Atchuthapuram Mandal, Visakhapatnam District, R/o. Kondapalem.

...APPLICANTS

(BY MR. P.VEERABHADRA REDDY., ADVOCATE)

AND

1. The Government of Andhra Pradesh., rep., by its Principal Secretary, School Education Dept., Secretariat, Hyderabad-22.
2. The Government of Andhra Pradesh., rep., by its Principal Secretary, Finance Department., Secretariat, Hyderabad-22.
3. The Commissioner & Director of School Education, Andhra Pradesh, Hyderabad.

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4. The Director of Treasures, Govt. of A.P.,
Hyderabad.
5. The District Educational Officer, Visakhapatnam
District, Visakhapatnam,
6. The Deputy Director of Treasures, Visakhapatnam,
Visakhapatnam District.
7. The Mandal Educational Officer, Atchuthapuram
Mandai, Visakhapatnam District.
8. The Head Master, Z.P. High School, Kondakarla,
Atchuthapuram Mandal, Visakhapatnam District.
9. The Head Master, Z.P. High School, M.J.Puram,
Atchuthapuram Mandal, Visakhapatnam District.

...RESPONDENTS

**(BY GP FOR SCHOOL EDUCATION (SER.) FOR RESPONDENTS No.1,3,5,7 to9)
(BY GP FOR F & P (SER.) FOR RESPONDENTS No.2,4&6)**

Application filed under Section 19 of the Administrative Tribunals Act,1985 praying this Tribunal to declare the impugned action of the respondents in not fixing their pay at Rs. 4070 in the scale of pay of Rs. 3750-7650 in PRC 1999 by considering the pay of the applicants at Rs. 2075 in PRC 1993 as illegal, arbitrary, discriminatory and against the Government orders issued vide G.O.Ms.No.2, dt. 05-01-2009 and the clarification issued Government Memo N0.8663/Ser.I/2010, dt. 01-07-2010 and in violation of Articles 14 and 16 of the Constitution of India and consequently hold that the applicants are entitled for fixation of their pay at Rs. 4070 in the scale of pay of Rs.3750-7650 in PRC 1999 by taking into consideration of applicants pay at Rs. 2070 in 1993 PRC with all consequential benefits.

This Original Application having come up for admission today, the Tribunal made the following:-

::ORDER::

O.A. No.7124/2013

**[ORAL ORDER AS PER HON'BLE SHRI M.V.P.C.SASTRY, ADMINISTRATIVE
MEMBER ON BEHALF OF THE DIVISION BENCH]**

The applicants have filed the present O.A., seeking to declare the action of the

respondents in not fixing their pay at Rs.4070/- in the scale of pay of Rs.3750-7650 in PRC 1999 by considering their pay at Rs.2075 in PRC 1993, as illegal, arbitrary and against the Government orders issued in G.O.Ms.No.2, dated 05.01.2009 and the clarification issued in Government Memo No.8663/Ser.I/2010, dated 01.07.2010 and consequently, hold that the applicants are entitled for fixation of their pay at Rs.4070/- in the scale of pay of Rs.3750-7650 in PRC 1999 by taking into consideration of applicants pay at Rs.2070 in 1993 PRC with all consequential benefits.

2. When similar cases came up for consideration before this Tribunal in O.A.Nos.8337/2010 and batch, this Tribunal passed an order on 19.12.2012. The operative portion of the order reads as follows:

“3.The seventh respondent filed counter in OA.No.8337/2010. Para 3 of the counter reads as follows:

It was also stated in the said U.O. Note that in the case of the applicants, the circumstances on the date of option of RPS 1999 were materially changed by issuing orders in GO.Ms.No.2, Education Department, dated 5.1.2009 i.e., retrospectively. Hence the applicants claim is correct and the School Education Department were requested by the Finance Department to take action keeping in view of the above rule position.

4. In the light of the admission by the 7th respondent, the claims of the applicants are correct and the School Education Department was requested by the Finance Department to take action keeping in view of the above rule position.

5. In the light of the above facts and circumstances of the case, O.A.s. are disposed of directing the 3rd respondent to give instructions to the concerned District Educational Officer to release the benefits of PRC 1999 by taking into consideration the pay of the applicants at Rs.2075/- in 1993 PRC and release monitory benefits, within a period of two months from the date of receipt of a copy of this order.”

3. Since the present case is squarely covered by the above order, the applicants herein are entitled for the similar order.

4. The OA is accordingly disposed of directing the 3rd respondent to give instructions to the concerned District Educational Officer to release the benefits of PRC 1999 by taking into consideration the pay of the applicants at Rs.2075/- in 1993 PRC and release monetary benefits, within a period of two months from the date of receipt of a copy of this order.

ASSISTANT REGISTRAR

*RCS