

V.Gangaram vs The Regional Joint Director & Ors on 25 April, 1997

Bench: K. Ramaswamy, D.P. Wadhwa

PETITIONER:

V. GANGARAM

Vs.

RESPONDENT:

THE REGIONAL JOINT DIRECTOR & ORS.

DATE OF JUDGMENT: 25/04/1997

BENCH:

K. RAMASWAMY, D.P. WADHWA

ACT:

HEADNOTE:

JUDGMENT:

Present:

Hon'ble Mr. Justice K. Ramaswamy Hon'ble Mr. Justice D.P. Wadhwa D. Prakash Reddy and Mrs.D.B. Reddy, Advs. for the appellant T. Anil Kumar, Adv. for the Respondents.

O R D E R The following Order of the Court was delivered:

Leave granted.

We have heard learned counsel on both sides. This appeal by special leave arises from the order of the Andhra Pradesh Administrative Tribunal at Hyderabad, made on August 19,1996 in OA No. 2944/93.

The appellant was originally appointed as a Teacher/Head Master in a private aided school on November 9, 1959 in the scale of Rs.45-120. After his passing secondary

Grade Degree Training Examination in the year 1967, he was granted on December 1, 1967 SGBT scale of Rs.80-150 w.e.f. the aforesaid date. In view of the fact that the appellant went on improving his qualifications for B.A, M.A., B.Ed. and M.Ed., the authorities went on giving revision of the pay scale granting advance increments as and when he acquired the qualification on the pay-scale applicable at the relevant time. Impugned proceedings were issued to recover the said amount paid to him on the premise that he was not entitled to the advance increments more than two. The Tribunal has dismissed the petition. Thus, this appeal by special leave.

The Government in G.O.Ms No. 928 Education Department (K) dated September 13, 1977 has envisaged the grant of the additional increment on the minimum qualifications prescribed for the relevant categories, as indicated below: "(a) One increment for B.A. or equivalent degree.

(b) One Increment for B.Ed.

(c) One Increment for M.A. or equivalent post Graduate Degree.

(d) One Increment for M.Ed."

Admittedly, he is now having the post of junior Lecturer which requires the M.A. qualification and, therefore, he is only entitled to two additional increments, namely, for acquiring his M.A. and M.Ed. qualifications. They have stated in the illustration as under:

"Sl. Category Revised Qualifica- Additional Qualifi- No. of No. of post scale of tions
for cation for eligibility Advance pay the post to advance Increments Increments
allowed 1 2 3 4 5 6

2. Trained Graduate Degree (a) Post Graduate One Increment teachers and with B.Ed.

grade II/320-14 Degree (b) Degree with One Increment Schell Asst. 460-15 in 580 Teaching (c) post Graduate Two Increment (B.Ed.) with M.Ed.

4. The Additional financial comment involved to the management in the implementation of these orders will be considered for assessment of teaching grants due to the schools under GRANT-IN-AID."

On the basis thereof, the appellant is entitled to only two additional increments, namely, one increment for M.A. and thereafter one for M.Ed. Under these circumstances, the authorities have

wrongly applied the G.O.Ms. 266 Finance and planning dated November 17,1986. While issuing the notice, it was confined to the question of recovery of the arrears paid to him from the year 1985, the year in which he is eligible to acquire additional qualifications for holding the post of Lecturer. Thus, it could be seen that he is entitled to the revised scale of pay giving the additional increments on two qualifications, namely, M.A and M.Ed. and, therefore, he entitled to the computation of the scale of pay the applicable to him prior to the date of immediate month in which examination was conducted of the scale of pay plus two additional increments. He is not entitled to the four increments, as successively claimed. we hold that he is entitled to the four increments, as successively claimed. We hold that he is entitled only two increments, as indicated above. Since the Department itself has adopted above approach, we direct that arrears paid prior to 1985 are not to be recovered and excess amount from 1985 is liable to be recovered from the pension payable to the appellant. Instalment should be proportionately distributed so as not to cause any undue hardship.

The appeal is accordingly disposed of. No costs.