

Supreme Court of India

T. Narasimhacharyulu And Others vs State Of Andhra Pradesh And ... on 15 January, 1993

Equivalent citations: AIR 1994 SC 770, 1994 LabIC 473, (1994) ILLJ 876 SC, 1993 (1) SCALE 222, 1994 Supp (3) SCC 672

Bench: K J Reddy, N Singh

JUDGMENT

1. This appeal pursuant to the special leave granted is directed against the order of the Andhra Pradesh Administrative Tribunal. All these appellants belong to the Education Department and they were deputed to the Engineering Colleges as Lecturers and Tutors and they held posts in teaching in non-technical subjects in those respective Engineering Colleges. This happened on account of serious shortage of teachers in the technical institutions. A question arose whether it was necessary to make the pay scales of posts in such institutions more attractive and apply them to these teachers. The matter was examined by the All India Council for Technical Education which recommended the revision of pay scales on all-India basis. Accordingly, the pay-scales of teachers in Engineering Colleges and Polytechnics were revised with effect from 23rd february, 1960. The persons taken over on deputation took the stand that in view of the revision' sperihe decision of the Government of India since they were also teaching the subjects, though n-technical, they were also entitled for the revised scales. The stand taken by the Department that certain qualifications were necessary for being eligible for the revised scales and that the non-qualified would not get the revised scales. It may not be necessary for the purpose of this case Estate the further details regarding some G.Os which were issued and which have been referred referred to by the Tribunal. Suffice it to say that the main issue involved is whether these teachers teaching non-technical subjects were entitled to the revised pay-scales. This aspect has been considered at eat length by the Tribunal. It is held that it was not the intention of the State Government to apply the revised pay-scales sanctioned in G.O. Ms. No. 1329 dated 16.5.1961 to non-technical teaching f and consequently the appellants who did not possess the qualifications prescribed and which are given UGC scales in the general Education Department have no right to claim the revised pay-scales at a later stage. We may also observe that the distinction made by the State Government inspite of the Central Government's approval is not discriminatory.

2. From the discussion it emerges that the appellants who admittedly did not possess the starry qualifications were not entitled to revised pay-scales. In this context, it is also pertinent to note that all of them have gone to their parent Department as we find in the counter-affidavit and which is not rebutted. Therefore, at this distance of time, no interference is called for and the t is dismissed. There shall be no order as to costs.