

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH : AT HYDERABAD.

* * *

D.A. 311/90

Dt. of Decision : 20.12.93

P. Malakondaiah

. . Applicant.

Vs

1. Union of India, represented
by the Secretary, Ministry
of Labour, New Delhi-1.
2. Welfare Commissioner 1-7-145/12
Srinivasnagar Colony
Musheerabad,
Hyderabad - 500 048.
3. Assistant Welfare Commissioner
Labour Welfare Organisation
Kalichedu, Nellore Dt.

. . Respondents

Counsel for the Applicant

Mr. T.V.V.S. Murthy for
: Mr. T. Jayant

Counsel for the Respondents

N.V. Ramana
: Mr. ~~E. Mahan Mohan Rao~~
Addl. CGSC.

CORAM:

THE HON'BLE SHRI A. B. GORTHY : MEMBER (ADMN.)

THE HON'BLE SHRI T. CHANDRASEKHARA REDDY : MEMBER (JUDL.)

Handwritten signature/initials

O.A. 311/90

Dt. of Decision : 20.12.93

ORDER

¶ As per Hon'ble Shri A.B. Gorthi, Member (Admn.) ¶

The applicant who is working as a Teacher, at Elementary School, Mica Mines Labour Welfare Organisation (MMLWO for short) Kalichadu, Nellore District, has filed this application praying for a direction to the respondents to grant him the benefit of special promotion grade with retrospective effect from December 1982 by virtue of completion of 15 years service as per the Go. Ms. 78 dt. 13.3.84.

2. Government of Andhra Pradesh Go.Ms. No. 78 dt. 13.3.84 refers to the creation of special Grade Teachers, who have completed 10 years of service in special promotion post/special adhoc promotion post for teachers who have completed 15 years of service. It further elaborates ^{that} ~~for~~ the special promotion post/special adhoc promotion post scale for teachers, shall be as indicated in the annexure to the said G.O.Ms. It also stipulates that the orders contained in the Go.Ms. shall apply to all teachers working in Government Schools, Schools ^{under} ~~and~~ Local Bodies, Municipalities and Private ^{aided} ~~aided~~ Managements who are drawing pay in the revised pay scales. The applicant represented to the

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authorities concerned, for grant of benefit under the said Go. Ms. His request was turned out vide impugned memo dt. 12.1.88. It is to the effect that for the purpose of granting 15 years scale, service rendered in a recognised Educational Institution alone will count.

3. The respondents in their reply affidavit asserted that the service rendered by the applicant in the Adult Literacy Centre, Kalichadu could not be treated as service in a recognised Educational Institution. On this short ground, the respondents contend that the applicant is not entitled to the benefit of the Go. Ms. dt. 13.3.84.

4. We have heard learned counsel for both the parties. Mr. T.V.S. Murthy learned counsel for the applicant contends that the applicant having served in the Adult Literacy Centre, Kalichadu which was run by the Ministry of Labour and Welfare, Government of India, the respondents cannot take the view that the service rendered by the applicant was in ^{an} un-recognised Educational Institution. ^A ^{careful} perusal of the relevant Go. Ms. would indicate that the scheme introduced by the Government of Andhra Pradesh is applicable to all teachers working in Government Schools, Schools ^{under} ~~and~~ local bodies, Municipalities and Private ^{aided} ~~added~~ Managements. The

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Go.Ms. makes no reference whatsoever to the condition that the educational institution should be a recognised one. Even if that be a condition, it is an admitted fact that the applicant served in Adult Literacy Centre, Kalichadu which was run by a Ministry of the Central Government and that being the position it would not be proper to treat it as an unrecognised educational institution and to deny the benefit of the Go.Ms. to the applicant.

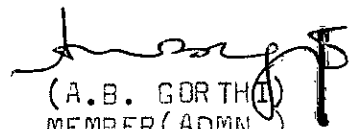
5. The respondents in their counter affidavit have explained as to how they took care of the applicant in the matter of his rehabilitation on the closing down of the Adult Literacy Centre, Kalichadu. This aspect may well be appreciated, but at the same time, we find no justification for the respondents' refusal to grant the benefit of the Go.Ms.No.78 dt. 13.3.84 to the applicant.

6. In view of what is stated above, this application is allowed with a direction to the respondents to grant the applicant the benefit of the Go.Ms.No.78 dt. 13.3.84, so far as it pertains to the special promotion post/special adhoc promotion post for teachers who have completed 15 years of service the benefit of the Go.Ms. will be given to the applicant after taking into consideration the service rendered by him in the Adult Literacy Centre, Kalichadu.

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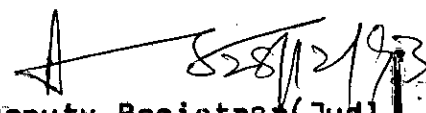
7. The respondents shall comply with the above order within a period of 3 months from the date of communication of this order. No orders as to costs.


(T. CHANDRASEKHARA REDDY)
MEMBER (JUDL.)


(A.B. GORTHI)
MEMBER (ADMN.)

Dated : The 20th December 93.
(Dictated in Open Court).

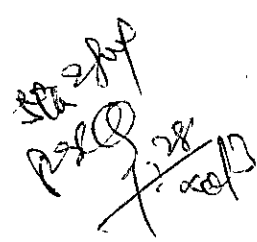
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Deputy Registrar (Judl.)

Copy to:-

1. Secretary, Ministry of Labour, Union of India, New Delhi-
2. Welfare Commissioner 1-7-145/12, Srinivasnagar colony, Musheerabad, Hyderabad-048.
3. Assistant Welfare Commissioner Labour Welfare Organisation Kalichedu, Nellore District.
4. One copy to Sri. T. Jayant, advocate, CAT, Hyd.
5. One copy to Sri. ~~E. Radan Mohan Rao~~ ^{N.V. Ravanna}, Addl. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-


28/12/93
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COMPARED BY

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE-CHAIRMAN

AND

THE HON'BLE MR. A. B. GORTHY : MEMBER(A)

AND

THE HON'BLE MR. T. GHANDRASEKHAR REDDY
MEMBER(J)

AND

THE HON'BLE MR. R. RANGARAJAN : MEMBER(A)

Dated: 26/12/1993

ORDER/JUDGMENT: _____

M.A/R.A/C.A.No. _____

in

O.A.No. 311/90

T.A.No. _____ (W.P.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Rejected/Ordered.

No order as to costs.

pvm

