

Director of School Education

Vs

T. Lakshmaiah and Others

Civil Appeal No. 1671 of 1986

(K. Ramaswamy, D. P. Wadhwa JJ)

02.04.1997

ORDER

1. This appeal by special leave arises from the order of the Andhra Pradesh Administrative Tribunal, Hyderabad in RP No. 767 of 1981, made on 26-6-1985. The Tribunal has allowed the representation petition, solely on the ground of default on the part of the appellant to file the counteraffidavit. Therein they had claimed the benefit of graded increments depending upon the length of service in terms of GOMs. No. 41, Finance and Planning (in Wing. PRC-I) dated 4-2-1980.

2. The admitted position is that the respondents were working in the post of Senior Assistants 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 GOMs No. 235, dated 7-9-1979, effective from 1-4-1978, granting the revised pay scales. As stated earlier, GOMs. No. 41, Fin., dated 4-2-1980 gives the benefit 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 Grades I to XVII shall be allowed one increment for service of three years and above up to five years, two increments for service of five years and above up to seven years, three increments for service of seven years and above."

3. The question, therefore, is whether the respondents are entitled to have their entire previous service as Grade II teachers tagged to count the advance increments in terms of GOMs. No. 41, referred to earlier. It specifically envisages "weightage for 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 GOMs. 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 increments in terms of GOMs. No. 41, dated 4-2-1980.

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