

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.30658 of 1997

Dated 17-04-2007

Between:

R.A.Nagireddy.

..... PETITIONER

AND

The District Collector, Anantapur & others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.30658 of 1997

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ORDER:

The relief sought for in this writ petition is for a declaration that the petitioner is entitled for additional remuneration payable to the Additional Public Prosecutor in the Assistant Sessions Judge's Court at the rate of Rs.2,000/- p.m. from 01-08-1995 to 30-06-1997 and Rs.4,000/- p.m. from 01-07-1997 onwards towards the services rendered by him as In-charge Additional Public Prosecutor and for a consequential direction to the respondents to pay him all arrears including arrears of Rs.37,500/- towards his remuneration as an Assistant Government Pleader, Penukonda.

Sri R.N.Hemendranath Reddy, learned counsel for the petitioner, would fairly submit that the petitioner has since been paid the arrears of remuneration as an Assistant Government Pleader and the relief sought for is restricted only for payment of remuneration for the services discharged by him as an In-charge Additional Public Prosecutor in the Assistant Sessions Judge's Court, Penukonda.

While the fact that the petitioner was made In-charge Additional Public Prosecutor from 01-08-1995 is not in dispute, respondents would place reliance on para 17 of G.O.Ms.No.57, dated 16-03-1990, which are Executive Instructions called the Law Officers (Recruitment, Conditions of Service and Remuneration) Rules, 1967. Clause 17 stipulates that any Government Pleader/Assistant Government Pleader, who is paid consolidated monthly remuneration, shall not be eligible to claim additional remuneration for discharging his duties in different courts or Arbitrators. Emphasis in clause 17 is on the words "discharging his duties". It is only if the Assistant Government Pleader is discharging his duties in different Courts or in arbitration, would he be dis-entitled from claiming additional remuneration. It is no part of the duty of Assistant Government Pleader to discharge the functions of Additional Public Prosecutor and since the petitioner was directed to function as an In-charge Additional Public Prosecutor in the Assistant Sessions Judge's Court from 01-08-1995

onwards till May, 2000, denying him the benefit of additional remuneration for discharging such duties is arbitrary and illegal since clause 17 of G.O.Ms.No.57, dated 16-03-1990, has no application.

Ends of justice would be met if the respondents are directed to reconsider payment of additional remuneration to the petitioner, for the period during which he was the

In-charge Additional Public Prosecutor in the Assistant Sessions Judge's Court, Penukonda, in accordance with the observations made in this order. The entire exercise, in this regard, culminating in payment of the amounts due to the petitioner, shall be completed within a period of three months from the date of receipt of a copy of this order.

The Writ Petition is accordingly allowed. However, in the circumstances, without costs.

17-04-2007

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