

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH  
AT HYDERABAD  
(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF JULY  
TWO THOUSAND AND EIGHT

PRESENT  
**THE HON'BLE MR JUSTICE GHULAM MOHAMMED**  
and  
**THE HON'BLE MR JUSTICE C.V.RAMULU**

**WRIT PETITION NO : 25201 of 2006**

Between:

- 1 The Director of Treasuries and Accounts, Andhra Pradesh, Hyderabad.
- 2 The Regional Joint Director of Treasuries and Accounts, Region-II, Kadapa (now abolished)
- 3 The Deputy Director, District Treasury Office, Chittoor.
- 4 The Secretary to Government, Finance & Planning Department,  
Government of Andhra Pradesh, Secretariat Buildings, Hyderabad.

.....  
**PETITIONER(S)**

AND

P. Kanakarajulu, S/o. P. Krishna Swamy,  
Retd. Assistant Treasury Officer, R/o. Door No. 27-4-473,  
Janakarapalli,  
Chittoor.

.....**RESPONDENT**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue an appropriate writ order or direction more particularly one in the nature of "Writ of Certiorari" calling for the records relating to the orders of the Hon'ble A.P. Administrative Tribunal passed in OA No. 8214/2001 dt. 13-11-2005 as being erroneous, illegal and unreasonable and quash the same and pass such other order or orders as deem fit and proper in the circumstances of the case

**Counsel for the Petitioner: GP FOR SERVICES II**

**Counsel for the Respondent No.:**

**ORDER: (Per Sri Justice GHULAM MOHAMMED)**

This Writ Petition is filed seeking a direction in the nature of writ of Certiorari calling for the records relating to the orders of the A.P. Administrative Tribunal passed in O.A.No. 8214 of 2001 dated 13.11.2005 as erroneous, illegal and quash the same.

Respondent herein filed O.A. No. 8214 of 2001 under sub-section (2) of Section 22 of the Administrative Tribunals Act, 1985, with the following prayer:

- “(a) To declare that the proceedings in Memo No. D1/9985/98, dated 1.7.1999 of the first respondent, and the proceedings No. A1/544/98, dated 4.8.1999, of the third respondent herein, and the consequential recovery of an amount of Rs. 63,159-00 on 1.2.2000, from the Gratuity of the Applicant, as illegal, arbitrary and violative of principles of natural justice;
- (b) consequently, to uphold the stepped up pay of the Applicant in proceedings No. A1/4390/87, dated 18.7.1987 of the then District Treasury Officer, Chittoor, Chittoor District as valid;
- © to direct the Respondents, to give all consequential benefits thereon within a specific period of time; and
- (d) for such other and further reliefs, as the Tribunal deems fit and necessary etc.”

Brief facts of the case are that the respondent herein was initially appointed as Junior Accountant in the year 1963 and later promoted as Senior Accountant on 9.5.1975 and retired from service on 31.8.1998. It is stated that while processing the pension papers, it was found that his pay was wrongly fixed and therefore, proceedings dated 1.7.1999 were issued by the Director of Treasuries and Accounts, Hyderabad- first petitioner herein and consequently the Deputy Director, District Treasury Office, Chittoor, has issued proceedings dated 4.8.1999 revising the fixation of pay of the respondent and ordered for recovery of the excess amount paid. Aggrieved by the same, O.A. No. 8214 of 2001 was filed stating that Smt. D. Saraswathi was regularized as Junior Accountant with effect from 14.9.1956 and as on the date of promotion of the applicant/respondent herein, Smt. D. Saraswathi was drawing Rs. 400/- and the applicant was also drawing Rs. 400/- in the pay scale of Rs. 250-10-430 with effect from 1.4.1974. After the issuance of the orders in G.O.Ms.No. 117, Finance and Planning dated 17.5.1981, wherein the Government has issued orders of Automatic Advancement Scheme, i.e., granting of Special Grade Promotion, the pay of Smt. D. Saraswathi was fixed by granting the special grade promotion in terms of the above said G.O. dated 17.5.1981 and her pay was fixed with effect from 1.4.1984. According to the applicant-respondent, Smt.D. Saraswathi is junior to him and therefore he submitted an application to step up his pay on par with his junior and after considering the application, his pay was stepped up on par with Smt. D. Saraswathi with effect from 1.4.1984.

The main grievance of the applicant therein was that he was retired from service on 31.8.1998 and the proceedings were

issued in the year 1999 effecting recovery. The Tribunal following the judgment rendered by this Court in W.P.No. 15231 of 2000 allowed the O.A filed by the applicant.

The learned Government Pleader appearing for the petitioners contended that earlier, pay fixation was done erroneously and the authorities have realized their mistake and rectified the same and accordingly, after the retirement of the respondent-applicant, the third respondent issued proceedings dated 4.8.1999 ordering recovery of excess amount.

The learned counsel appearing for the respondent contended that once the employee's pay was stepped up along with other employee i.e., Smt. D. Saraswathi and once he retired from service the petitioners are not entitled to recover the amount from him.

The case of the applicant-respondent is that he is similarly placed to that of the petitioner in W.P.No. 15231 of 2000. We have perused the order passed in W.P.No. 15231 of 2000, wherein this court held that 'even otherwise, such order of stepping up of the pay was passed fifteen years back and some of the employees have already retired and in this situation, there cannot be any doubt that it would not be equitable to take recourse to recovery for such an excessive amount from them'.

In view of the above, we are not inclined to interfere with the impugned order passed by the Tribunal and the Writ Petition is devoid of merits and accordingly, the Writ Petition is dismissed. No order as to costs.

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**GHULAM**

**MOHAMMED ,J**

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**C.V.RAMULU, J**  
Dt. 04.07.2008  
KA

..... REGISTRAR

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