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HON'BLE Mr. JUSTICE N.V. RAMANA

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W.P.No.24241 of 2005

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Dated: 31st AUGUST 2006

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Between:

Y.S.N. Reddy S/o Ram Reddy, 46 years
Driver (E.104336), working in APSRTC
Narkatpally Bus Depot, Nalgonda district
& 10 others

... Petitioners

And:

The Regional Manager, APSRTC,
Nalgonda Region at Nalgonda & 2 others

... Respondents

HON'BLE Mr. JUSTICE N.V. RAMANA

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W.P.No.24241 of 2005

ORDER:

The present writ petition is filed questioning the inaction of the respondents in granting the Special Grade Increment/ stagnation increment to the petitioners on completion of 12 years of service in the respondents-Corporation.

According to the petitioners, they were appointed as drivers in the respondents-Corporation. Later, on their request, they were transferred to Nalgonda Region and at present they have been working in Narkatpally Bus Depot. It is stated that as on date, the petitioners are continuing as drivers and completed 12 years of service and are entitled to the Special Grade increment. However, the respondents-Corporation has not granted the same on the ground that the petitioners did not complete 12 years of service in the same Region. Therefore, the petitioners have come up with the present writ petition.

At the time of hearing, learned counsel for the petitioners represented that the issue is covered by a decision of a Division Bench of this Court in **Regional Manager, APSRTC, Hyderabad & others v. N.B. Venkaiah & others**^[1]. It is also stated that similar writ

petition No. 17103 of 2005 was disposed of by order dated 10.8.2005 directing the respondents to grant the benefit of Special Grade Increment to the petitioner on completion of 12 years service from the date of appointment without reference to the change of Region. It is further stated that similar issue was considered by the Division Bench of this Court in W.A. No. 1861 dated 7.10.2005, wherein it is held that the employees would be entitled to be treated on the same lines as contemplated in Circular PD No.30/2005 dated 4.6.2005 and necessary payments have to be made with effect from 1.4.2005 by fixing the scale notionally from the date of eligibility. The relevant portion of order dated 7.10.2005 reads as under:

“The learned Standing Counsel appearing on behalf of the appellants submits that the writ petition was disposed of at the stage of admission depriving the appellants of the opportunity of pointing out certain facts. According to him, as per the settlement arrived at, under Section 12 (3) of the Industrial Disputes Act, 1947, between the employees union and the management, a Circular has been issued vide PD-30/2005 dated 4.6.2005 wherein it is stated that the employees, who were denied their special grade on account of their transfer from one region to another, on request on loss of seniority, would be allowed special grades on completion of 12 years of service in the same category and their pay would be fixed notionally from the date of their eligibility and the monetary benefit consequent on fixation should be paid with effect from 01.4.2005. He submits that having regard to the said Circular, the direction issued by the learned Single Judge is not sustainable.

Considering the submissions made on behalf of both the parties and also in view of the Circular already issued by the appellants-corporation as aforesaid, it is needless to mention that the respondent also would be entitled to be treated on the same lines as contemplated thereunder, by making necessary payments with effect from

01.04.2005 and fixing the scale notionally from the date of his eligibility.

Heard the learned counsel for petitioners and learned Standing Counsel for respondents-Corporation.

In the circumstances of the case, following the judgment of Division Bench of this Court in W.A. No. 1861 of 2005 dated 7.10.2005, the writ petition is disposed of with the following direction.

The respondents are directed to consider the cases of petitioners in terms of Circular No. PD-30/2005 dated 4.6.2005 and pass appropriate orders expeditiously.

Accordingly, the writ petition is disposed of. No costs.

N.V. RAMANA, J

Date: 31.08.2006

BSS/TVK

[\[1\]](#) 2005(3) ALD 389 (DB)