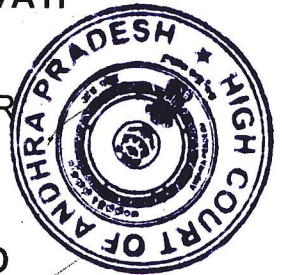


IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI
(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT
THE HONOURABLE DR JUSTICE K.MANMADHA RAO



WRIT PETITION NO: 2122 OF 2021

Between:

N G Narasimhulu, S/o. N.Kadirappa, Aged about 55 years, Occ. PS
Head Master - MPP School, Settur Village and Mandal, Ananthapuram
District -515767, A.P.

...Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, School Education Dept., Secretariat, Amaravathi, Guntur District.
2. The District Educational Officer, Ananthapuram District, Andhra Pradesh.

...Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ of Mandamus, or any other appropriate writ, order or direction, declaring the action of the 2nd respondent in not paying the arrears of salary for a period of 6 months 13 days and Rs.92,225/- towards fixation of arrears, to the Petitioners by considering the Petitioners Representation dated 19.10.2020 and 8.5.2020 as illegal and arbitrary and further direct the 2nd Respondent to pay the arrears of salary for a period of 6 months 13 days and Rs.92,225/- towards fixation of arrears to the Petitioner.

IA NO: 1 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be

pleased to grant interim direction directing the 2nd respondent to consider the Petitioners Representations dated 19.10.2020 & 08.05.2020, pending disposal of the above writ petition.

Counsel for the Petitioner: SMT V SESHAKUMARI

Counsel for the Respondents: GP FOR SERVICES III

The Court made the following order:



IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)

[3310]

THURSDAY, THE TWENTY FIRST DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE DR JUSTICE K MANMADHA RAO

WRIT PETITION NO: 2122/2021

Between:

N G Narasimhulu

...PETITIONER

AND

State Of Ap and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1.V SESA KUMARI

Counsel for the Respondent(S):

1.GP FOR SERVICES III

The Court made the following Order:

The Writ Petition is filed under Article 226 of the Constitution of India,
seeking the following relief:

".....to issue a Writ of Mandamus or any other appropriate writ, order or direction declaring the action of the 2nd respondent in not paying the arrears of salary for a period of 6 months 13 days and Rs.92,225/- towards fixation of arrears, to the Petitioners by considering the Petitioners Representation dated 19.10.2020 and 8.5.2020 as illegal and arbitrary and further direct the 2nd Respondent to pay the arrears of salary for a period of 6 months 13 days and Rs.92,225/- towards fixation of arrears to the Petitioner....."

2. Brief facts of the case are that the petitioner working as Primary School Head Master, MPP School, Settur Village and Mandal, Ananthapuram district. As the petitioner is entitled for arrears of periodical increments since 2011, the petitioner requested the same with the respondents. While things stood thus, the 2nd respondent issued a show cause notice dated 28.02.2020 stating that the petitioner is defaming the department and as to why disciplinary action should not be taken against the petitioner. Thereafter, the petitioner was suspended vide order dated 05.03.2020 and the suspension order shows that the petitioner has been frequently making representations demanding arrears of increments inspite of being informed that the petitioner is not entitled for arrears and also alleging that the petitioner staged 'Dharna'. The 2nd respondent also issued articles of charge dated 02.06.2020 mainly alleging that the petitioner was distributing pamphlets when meetings were conducted, defaming the department and refused to take show cause notice. Aggrieved by the same, the petitioner filed WP.No.13317 of 2020 and this Court has closed the writ petition, directing the petitioner to give an undertaking within a period of two weeks and further observed that the suspension proceedings and proceedings initiated under the charge sheet shall stand closed. Accordingly, the petitioner submitted undertaking and the 2nd respondent vide Rc.No.2515/B1/2018, dated 09.09.2020 directed for revocation of the suspension and admitted the petitioner into service. The petitioner earlier

made a representation dated 08.05.2020 claiming arrears of Rs.92,225/-. The said amount is in relation to the periodical increment and the related arrears. But the said amount has been not paid for the petitioner. The petitioner further submitted a representation dated 19.10.2020 requesting for payment of salary for the period from 05.03.2020 to 13.09.2020. But the respondents had not paid any arrears to the petitioner till date. Aggrieved by the same, the present writ petition has been filed.

3. Heard Ms.V.Sesha Kumari, learned counsel for the petitioner and Mr.S.Sarath Kumar, learned Assistant Government Pleader for Services-III, for the respondents.

4. On hearing, learned counsel for the petitioner while reiterating the contents urged in the writ petition, submits that, the petitioner is entitled for complete salary of 6 months 13 days and also for fixation of arrears of an amount of Rs.92,225/-. The 2nd respondent has not taken any action on the representations submitted by the petitioner dated 08.05.2020 and 19.10.2020 and not released the arrears of amounts. Therefore, learned counsel for the petitioner requests this Court to issue appropriate directions to the respondents to dispose of the representations made by the petitioner dated 08.05.2020 and 19.10.2020.

5. Per Contra, learned Assistant Government Pleader submits that the representations made by the petitioner will be processed, in accordance with law.

6. Having regard to the facts and circumstances of the case and on considering the submissions of both the learned counsels, without going into the merits of the case, this Court is inclined to dispose of the writ petition, with a direction to the respondents to consider the representations made by the petitioner dated 08.05.2020 and 19.10.2020 and pass appropriate orders, in accordance with law, within a period of two (02) months from the date of receipt of a copy of this order.

7. With the above observations, the Writ Petition is disposed of. No costs.

8. As a sequel, miscellaneous applications pending, if any, shall stand closed.

Sd/- A.VIJAYA BABU
ASSISTANT REGISTRAR

//TRUE COPY//

To,

SECTION OFFICER

1. The Principal Secretary, School Education Dept., State of Andhra Pradesh, Secretariat, Amaravati, Guntur District.
2. The District Educational Officer, Ananthapuram District, Andhra Pradesh.
3. One CC to Smt V Sesha Kumari, Advocate [OPUC]
4. Two CCs to GP for Services – III, High Court of Andhra Pradesh. [OUT]
5. Two CD Copies

RAM

HIGH COURT

DATED:21/11/2024

ORDER

WP.No.2122 of 2021



**DISPOSING OF THE WP
WITHOUT COSTS**