

THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No.9448 of 2016

ORDER:

This writ petition is filed for the following relief:

“..... to declare the action of the 2nd respondent in not promoting the petitioners to the post of Heavy Vehicle Driver and not paying Heavy Vehicle Driver scale to the petitioners, as illegal and arbitrary and consequently direct the 2nd respondent to promote the petitioners to the post of Heavy Vehicle Driver and pay the Heavy Vehicle Driver scale to the petitioners”.

The case of the petitioners is that they possessed Heavy Vehicle Driving license and they were initially appointed as NMR cleaners under the 2nd respondent University; they were promoted as drivers with effect from 05.03.2002, 25.02.2006, 01.04.2002 and 16.09.2003 respectively by fixing them in the pay scale of Light Vehicle drivers; before the appointment of the petitioners as drivers, pursuant to the permission accorded by the Government, the 2nd respondent University has allowed the pay scales of Heavy Vehicle driver to all the drivers of the 2nd respondent University; however the Government has withdrawn the permission accorded to the 2nd respondent University and ordered that those drivers who actually drive Heavy Vehicles will be allowed to draw the pay scale of Heavy Vehicle driver, vide G.O.Ms.No.520, Higher Education (U.E.I) Department, dated 27.04.1998; assailing the said GO the drivers of the University have filed W.P.No.4889 of 2000 and batch and this Court set aside the said G.O. and directed the 1st respondent to pass orders afresh after giving opportunity to the Universities petitioners therein and drivers, the 1st respondent issued G.O.Ms.No.192, dated 07.12.2006 ordering

that the University shall allot the available Heavy Vehicles to the drivers who possessed Heavy Vehicle driving license, as per the *inter se* seniority and give Heavy Vehicle scale of pay and the rest of the drivers who possessed Light Vehicle driving license shall be allotted Light Vehicle scale of pay; pursuant to said G.O., Engineering Department has sent a revised seniority list of heavy vehicle drivers and requested to extent heavy vehicle driver scale basing on the seniority vide letter dated 14.10.2008; in the said revised seniority list the petitioners are at S.Nos.22, 27, 24 and 25 respectively; the petitioners are senior most drivers working in the 2nd respondent University. However, the 2nd respondent University is not paying Heavy Vehicle driver scale to the petitioners though they are having Heavy Vehicle driving license. Hence the writ petition.

Learned counsel for the petitioners submits that the petitioners are senior most drivers possessing license for driving heavy vehicles and that there was no justification on the part of the 2nd respondent University in not paying Heavy Vehicle driver scale of pay to the petitioners.

Learned Government Pleader for Higher Education appearing for respondent Nos.1 and 2 submits that the petitioners may be directed to file a fresh representation ventilating their grievances before the respondents and on receipt of such representation, the respondents would dispose of the same in accordance with law.

In view of the facts and circumstances of the case, without going into the merits of the case, petitioners are given liberty to file

a fresh representation before the 2nd respondent University, and on receipt of such representation, the 2nd respondent University is directed to dispose of the same, in accordance with law, as expeditiously as possible, preferably within a period of three weeks (3) from the date of receipt of a copy of this order.

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE KONGARA VIJAYA LAKSHMI

Date : 20.12.2019
RJS

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