

HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION No. 11971 of 2023

ORDER:

This writ petition under Article 226 of the Constitution of India is filed seeking the following relief:-

“to issue a writ or order or direction, more particularly one in the nature of Writ of Mandamus, declaring the proceedings of cancellation of Special Grade Scale issued in B.O.No.377/2016 (C.No.965/A5/2016) dated 15.06.2016, B.O.No.409/2016 (C.No.965/AS/2016) dated 16.06.2016, B.O.No.416/2016 (C.No.965/A5/2016) dated 20.06.2016 and B.O.No.434/2016 (C.No.965/A5/2016) dated 25.06.2016 issued by the 3 respondent and consequential recovery orders issued in B.O.No.699/2016 (C.No.1162/P1/2016) dated 26.09.2016 and B.O.No.698/2016 (C.No.1162/P1/2016) dated 26.09.2016 as illegal, arbitrary, violative of principles of natural justice besides discrimination and consequently hold that the petitioners are entitled to draw the pay and allowance in the Special Guards Scale Post as per the orders issued vide D.O.No.749/2012, C.No.1481/A6/2012 dated 30.11.2012, D.O.No.723/2012, C.No.1419/A6/2012 dated 30.11.2012, D.O.No.206/2013, C.No.87/A6/2013 dated 28.03.2013 and D.O.No.754/2012, C.No.1419/A6/2012 dated 30.11.2012 by the respondents with all consequential benefits; and pass such other order or orders as this Honourable Court may deem fit and proper in the circumstances of the case.” (in verbatim)

2. Learned counsel for the petitioners and learned Government Pleader for Services-I appearing for the respondents fairly conceded that the issue involved in this writ

petition is squarely covered by the order of this Court dated 23.08.2022 passed in W.P.(A.T.).No.235 of 2021, and prayed that a similar order may be passed in this writ petition also. The operative portion of the said order reads as follows:

“In that view of the matter, the impugned order dated 20.06.2016 and the consequential recovery order dated 26.09.2016 are hereby set aside. The respondents are, however, at liberty to pass appropriate orders in accordance with law after affording reasonable opportunity of hearing to the petitioners.”

3. Accordingly, the Writ Petition is allowed in terms of the order of this Court dated 23.08.2022 passed in W.P.(A.T.).No.235 of 2021. There shall be no order as to costs.

4. Registry is directed to attach a copy of the order of this Court dated 23.08.2022 passed in W.P.(A.T.).No.235 of 2021, to this order.

Consequently, Miscellaneous Petitions, if any, pending in the writ petition shall stand closed.

VENKATESWARLU NIMMAGADDA, J

5th May, 2023
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