

THE ANDHRA PRADESH LANGUAGE PANDITS GRADE-II (REGULATION OF
SCALE OF PAY) ACT, 2004

ACT No. 1 OF 2005

ARRANGEMENT OF SECTIONS

SECTIONS

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THE ANDHRA PRADESH LANGUAGE PANDITS GRADE-II (REGULATION OF
SCALE OF PAY) ACT, 2004

ACT No. 1 OF 2005

[11th January, 2005]

AN ACT TO PROVIDE FOR REGULATION OF THE SCALE OF PAY OF
LANGUAGE PANDITS GRADE-II IN THE DEPARTMENT OF SCHOOL
EDUCATION IRRESPECTIVE OF THE POSSESSION OR ACQUISITION
OF QUALIFICATIONS PRESCRIBED TO THE POST OF LANGUAGE
PANDITS GRADE-I BY THEM.

Whereas, the Government of Andhra Pradesh issued orders in G.O.Ms.No.330, Education, dated 10-8-1983 allowing Grade-I Scale of pay to all the Grade-II Language Pandits who are working in High Schools and Upper Primary Schools belonging to Government, Local Bodies and Private Management's and who possess requisite qualifications prescribed for the post of Grade-I Language Pandits as on 11-3-1982 on the ground that there is stagnation in promotions;

And whereas, certain Language Pandits Grade-II who were appointed after 11-3-1982 possessing Grade-I qualifications and those who were appointed prior to 11-3-1982 and acquired Grade-I qualifications after 11-3-1982 challenged the cut off date in the Hon'ble Andhra Pradesh Administrative Tribunal and the Tribunal in its judgment dated 17-8-1989 in R.P.No.2158 of 1986 has allowed the Representation Petition and struck down the cut off date;

And whereas, the Division Bench of the Hon'ble Andhra Pradesh Administrative Tribunal in its judgment in several other O.A.No. 49150 of 1991 dt.28-2-1994, O.A.Nos.82955 of 1990, 3406 and 3407 of 1994 dt.5-12-1994, OA Nos. 59969 and 970 of 1990, dt.16-1-1995 observed that the above cut off date is uniformly applicable to all persons and such a classification was made for a class of employees and held that the prescription of the cut off date is not arbitrary or illegal and dismissed the O.As;

And whereas, the Government in G.O.Ms.No.164, Finance and Planning (F.W.PRC-I) Department, dated the 1st June, 1982 have formulated a scheme of ten years and fifteen years allowing certain financial benefits to all the category of teachers and thus the Language Pandits Grade-II who acquired Grade-I qualification after cut off date were allowed Grade-I scale on crossing fifteen years of service under Automatic Advancement Scheme applicable to all the teachers including the Language Pandits and thereby they were allowed financial benefits step by step after completion of ten years and fifteen years of service and allowed the next promotion post scale of pay and hence, there is no stagnation and the teachers are getting financial benefits on the basis of service put in by them and hence there is no necessity and justification to allow higher scale of pay to certain category of teachers merely on the basis of acquiring higher qualification;

And whereas, by introduction of the Automatic Advancement Scheme, the Language Pandits Grade-II are also getting financial benefits on par with other Government employees and that no other category of Government employees in the State are getting higher scales merely on the basis of acquiring higher qualifications and hence there is no justification to give this benefit only to Language Pandits Grade-II;

And whereas, the Language Pandits Grade-II will get double benefit, if the G.O. Ms. No.330, Education, dated the 10th August, 1983 is not revoked which causes huge financial burden on the State Exchequer running into crores of rupees;

And whereas, the Government has taken a decision and cancelled the G.O.Ms.No.330, Education, dated the 10th August, 1983 in their orders in G.O.Ms. No.176, Education, dated 22nd December, 2000;

And whereas, the Hon'ble Andhra Pradesh Administrative Tribunal in several OA No.377 of 2001 and batch dated 13-6-2002 upheld the G.O.Ms.No. 176, Education, dated the 22nd December, 2000 cancelling the G.O.Ms.No.330, Education, dated 10th August, 1983 and declared the cut off date the 11th March, 1982 valid one;

And whereas, the Hon'ble High Court of Andhra Pradesh in W.P.No.26260 of 2000 and batch dt 12-9-2003 found that the orders of the Andhra Pradesh Administrative Tribunal in upholding the G.O.Ms.No.176, Education, dated the 22nd December, 2000 is erroneous and contrary to law and accordingly set aside the same and dismissed the Writ Petition No.20605 of 2001 and batch filed by the Government challenging the orders of the Andhra Pradesh Administrative Tribunal in RP.No.2158 of 1986, dt.17-8-1989;

And whereas, the Hon'ble Supreme Court of India in its order dated 27th July, 2004 dismissed the SLP Nos.5869-5998 of 2004 filed by the Government against the orders of the Hon'ble High Court of Andhra Pradesh in W.P.No.26260 of 2000, dated 12th September, 2003;

And whereas, for implementation of the G.O.Ms.No.330, Education, dated the 10th August, 1983 at this length of time, huge financial commitment of rupees three hundred and ninety four crores has to be borne by the Government for payment of arrears to about 56,750 Grade-II Language Pandits and there will be a recurring expenditure of rupees Sixty three crores on this account every year;

And whereas, if the benefit is given to this category of employees there is every chance that another category of employees in the School Education Department and other Government Departments may claim the same benefit which will be imposing recurring extra financial burden on the Government;

And whereas, it is an established fact that payment of scales pertaining to a higher category of posts to holders of lower category posts merely on the basis of possessing the educational qualifications runs contrary to all norms of administration and makes a mockery of the entire process of selections based on higher qualifications for a higher posts and if this logic were to be conceded, it is possible that lakhs of employees in Government service with higher qualifications working in lower posts may approach the court of law and ask for scales applicable to the higher posts;

And whereas, there is neither any fundamental right nor any equity in such a measure which amounts to granting double benefit by virtue of implementation of automatic advancement scheme and the scarce public resources among competing sections of the society will have to be allocated with a great deal of caution, equity and accountability to the public and society;

And whereas, it has been decided to give effect to the constitutional mandate by regulation of the scales of pay of the Language Pandits Grade-II working in the High Schools and Upper Primary Schools belonging to Government, Local Bodies and Private Managements, as it is very clear that the intendment of Government at the time of issuing G.O. Ms. No.330, Education, dated 10-8-1983 was only for a limited number of Language Pandits who stagnated for a certain period of time and it is certainly not the intention of the Government that for generations to come such a benefit should be given.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Fifty-fifth year of the Republic of India as follows:-

1. Short title and commencement - (1) This Act may be called the Andhra Pradesh Language Pandits Grade-II (Regulation of Scale of Pay) Act, 2004.

(2) It shall be deemed to have come into force on the 10th August, 1983.

2. Definitions - In this Act unless the context otherwise requires,-

(1) "Government" means the State Government of Andhra Pradesh.

(2) "Language Pandits Grade-II" means the Language Pandits Grade-II working in High Schools and Upper Primary Schools belonging to Government, Local Bodies (Municipalities, ¹[Zilla Parishads] and Mandal Praja Parishads) and Private Management Schools.

3. Regulation of pay of Language Pandits Grade II - Notwithstanding anything contained in any order of the Government or any Judgment of any Court or Tribunal, the Language Pandits Grade-II shall draw the Scale of Pay attached to the said post even if they possessed or later acquired the qualifications prescribed for the post of Language Pandits Grade-I.

4. Abatement of claims - Notwithstanding any Government Order, Judgment, decree or order of any Court or Tribunal, the claims of Language Pandits Grade-II for allowing the pay scale of Language Pandits Grade-I shall stand extinguished from the date of commencement of this Act and accordingly,-

(1) The orders issued by the Government allowing to the Language Pandits Grade-II the Scale of Pay attached to Grade-I Post for possessing requisite qualification prescribed for the post of Language Pandits Grade-I shall stand cancelled.

(2) No suit or other proceedings shall be instituted, maintained or continued in any Court, Tribunal or other Authority by the Language Pandits Grade-II against the Government or any person or Authority whatsoever for fixation of pay in the scale of Language Pandits Grade-I.

(3) No Court shall enforce any decree or order directing the grant of Language Pandits Grade-I scale to Language Pandits Grade-II.

5. Power to remove difficulties - (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may make such order not inconsistent with the provisions of this Act as may appear to them to be necessary or expedient for the purpose of removing the difficulty.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before the Legislative Assembly of the State.

6. Repeal of Ordinance 5 of 2004 - The Andhra Pradesh Language Pandits Grade-II (Regulation of Scale of Pay) Ordinance, 2004 is hereby repealed.

¹. Reference to the words "Zilla Parishads" shall be construed as "Zilla Praja Parishads" by the Act No.41 of 2006, S.3.