

**THE HON'BLE SRI JUSTICE HARINATH. N**

**WRIT PETITION No.9433 OF 2014**

**ORDER :**

1. The petitioners are aggrieved by the in-action of the respondents in extending the AP Revised UGC Scales of Pay, 2006 to the Department of University Sciences Instrumentation Center, Sri Krishna Devaraya University, Ananthapur, Technicians.
2. The petitioners are paid UGC Scales of Pay, 1986 and 1996 the petitioners claim that they are entitled for AP Revised UGC Scales of Pay, 2006. The petitioners were recruited in the year 1982 as Technicians Grade – I in the University Science Instrumentation Center. During the year, 1998 to 2000 UGC introduced scheme of University Science Instrumentation Centers, whereby UGC would assist the Universities to create essential support facilities where all major instruments in the University could be put to maximum utilization. Apart from the University Science Instrumentation Centers the UGC has also established Regional Instrumentation Centers in all major cities of India.

3. The 2<sup>nd</sup> respondent/University has given concurrence for establishment of University Science Instrumentation Center and the UGC approved the provide grants for different equipment and personnel. In terms of the said letter five grades of Technicians are approved and Technician Grade-I, three posts were approved for UGC.
4. The Government of Andhra Pradesh vide their letter dated 15.11.1991 had given concurrence for the establishment of the University Science Instrumentation Center at the 2<sup>nd</sup> respondent. In pursuance of the concurrence given by the Government of Andhra Pradesh, the 2<sup>nd</sup> respondent invited applications from eligible candidates to be appointed in various posts as per the advertisement dated 07.03.1992.
5. The petitioners were declared to have been satisfactory completed the period of probation and their services were confirmed vide proceedings dated 20.02.1995 as Technician Grade-I and Technician Grade-II respectively. The petitioners were extended the UGC Pay Scales for the year 1986 and 1996. The Vice Chancellor of the 2<sup>nd</sup> respondent vide proceedings dated 31.10.2002 had issued orders relating to fixation of pay in the year AP Revised

UGC Scales of Pay of the year 1996. The 2<sup>nd</sup> respondent vide letter dated 24.10.2011 addressed by the Registrar of the 2<sup>nd</sup> respondent to the 1<sup>st</sup> respondent seeking issuance of necessary proceedings for implementation of AP Revised UGC Scales of Pay, 2006. The 3<sup>rd</sup> respondent vide its letter dated 31.08.2012 addressed to the 1<sup>st</sup> respondent had categorically expressed the due that the Technicians working in SK University ought to be extended 6<sup>th</sup> pay commission pay scales corresponding to 5<sup>th</sup> pay commission pay scales, Grade – I, Grade – II and Grade – IV of the Technicians working in University Science Instrumentation Centers (USIC), SK University (2<sup>nd</sup> respondent) taking into account the concurrence given by the Government to take over the recurring liability to take over the Technicians Grade-, IV with effect from 01.04.1995 vide Lr.No.3082/UE.2/90-4, dated 15.11.1991. It was also clarified that the issue ought not to be clubbed with such categories in other universities as the issue of SK University is completely different where the State Government has given concurrence to take care of the recurring liability and also sought approval of the competent authority. The 3<sup>rd</sup> respondent addressed a

letter dated 12.08.2013 to the 1<sup>st</sup> respondent reiterating the request for approval of the state Government for extending UGC Pay Scales to the technicians Grade – I. It was also informed by the 3<sup>rd</sup>respondent that the Universities may seize to extend UGC Pay Scales to Non-Teaching Posts approved under UGC Pay Scale as and when the existing individuals vacate in the post and to extend state pay scales to Non-Teaching categories under UGC Pay Scales with the prior approval of the Government.

6. The 1<sup>st</sup> respondent has filed a detailed counter and submitted that the Government in order to maintain parity in payment of pay to the Non-Teaching Staff in the universities has decided to pay uniform scales to all Non-Teaching Staff by extending the state scales and not UGC Scales. It is also submitted that State Scales are allotted to Non-Teaching Staff including the Technicians of all grades who were appointed under USIC in Andhra University, Nagarjuna Univeristy, Osmania University and Sri Venkateswara University. The learned Government Pleader for Higher Education any indulgence shown by this Court in extending the UGC Scales to the petitioners would open

up scope for filing of several petitions by the similarly placed techcians who have been recruited under USIC Scheme in various Universities.

7. The learned counsel appearing for the petitioners submits that the issue of the petitioners working in SK University is unique on account of the concurrence given by the State Government vide its letter dated 15.11.1991, whereby the State Government has communicated its concurrence to take over the recurring liability on the establishment of center or University Science Instrumentation Center at Sri Krishna Devaraya University with effect from 01.04.1995 i.e., after session of UGC assistance.
8. The learned counsel for the petitioners submits that the State Government has in clear terms expressed its intention of taking care of the recurring liability for the posts of the petitioners. UGC Scales of 1986 and 1996 were extended to the petitioners, however the AP Revised Pay Scales of UGC Pay Scales, 2006 are not extended. Thus, there should be no hindrance for the Government to have a different thought in extending the UGC Revised Pay Scales of 2006.

9. Heard the learned counsel for the petitioners and the learned Government Pleader for Higher Education.
10. The petitioners have also placed on record that the order of rejection of the request for grant of UGC Scales, 2006. The 1<sup>st</sup> respondent has communicated to 2<sup>nd</sup> respondent vide its letter dated 06.12.2016 whereby the request of the petitioners seeking extension of AP Revised UGC Pay Scales, 2006 was found not feasible for acceptance. Thereafter, the 2<sup>nd</sup> respondent issued memo dated 16.12.2016 has informed the Technicians and other staff of SK University, Ananthapuram that Non-Teaching Staff working in other Universities may raise similar demands seeking extension of UGC Scales for them as well. The said proceedings are also placed on record in the form of additional affidavit by the petitioners.
11. The petitioners are working under the University Science Instrumentation Center Scheme in the 2<sup>nd</sup> respondent/University as Technicians as Grade-I and Grade – II and their recruitment is in accordance with Selection Procedure. The petitioners were extended UGC Pay Scales of 1986 and 1996. When the Government has in vivid terms agreed for taking over the recurring liability

on the establishment of USIC at the 2<sup>nd</sup> respondent/University on 15.11.1991, now cannot shy away from the responsibility. The 1<sup>st</sup> respondent has taken a stand that, in order to maintain parity in payment of pay scales to Non-Teaching Staff in all universities a decision to reject AP Revised UGC Pay Scales, 2006 to the petitioners was taken. The stand of the state in that regard is illogical.

12. The doctrine of promissory estoppel would come into play. In the matter of **Mothilal Padampat Sugar Mills Vs. State of UP**<sup>1</sup>. In this case, the Chief Secretary of the Government gave a categorical assurance that total exemption from sales tax would be given for three years to all new industrial units in order to well establish themselves. Acting on such assurance the appellant Sugar Mills set up a new plant by raising a huge loan. Subsequently, the Government Changes its policy and announce that sales tax exemption will be given at varying rates over three years. The Hon'ble Supreme Court has held that the Government was bound by its promise and

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<sup>1</sup>1979 SCR (2) 641

liable to exempt the appellant from Sales Tax for a period of three years.

13. The promise of the State Government in so far as taking over the recurring liability of the petitioners cannot be withdrawn retrospectively.

14. The submission of the learned Government Pleader for Higher Education that any indulgence by this Court in extending the AP Revised UGC Pay Scales, 2006 would open the gates for filing of several writs by the Non-Teaching Staff working in other Universities.

15. Admittedly, no other university such as Andhra University, Nagarjuna University, Sri Venkateswara University or any other University of the State, the State has given an assurance of taking over the recurring liability on the establishment of USIC Centers except for the 2<sup>nd</sup> respondent/University.

16. This Court has no hesitation to find fault with the respondents in not extending the AP Revised UGC Scales of pay, 2006 to the Department of University Sciences Instrumentation Center of the 2<sup>nd</sup> respondent to the petitioners. Accordingly, the order issued by the 1<sup>st</sup> respondent vide Lr.No.8842/UE/A1/2015, dated



06.12.2016 and consequential rejection order/memo No.SKU/Estt.,/E-3/2016, dated 16.12.2016 passed by the 2<sup>nd</sup> respondent are hereby set aside and the respondents are consequently directed to extend the AP Revised UGC Pay Scales, 2006 to the petitioners from the date they were due for receiving the same. The petitioners shall also be entitled for arrears of pay. The respondents shall pass appropriate orders and extend the AP Revised UGC Pay Scales, 2006 to the petitioners within a period of four weeks from the date of receipt of this order.

17. Accordingly, the writ petition is allowed without costs.

As a sequel all the petitions out of the present writ petition shall stand closed.

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**JUSTICE HARINATH. N**

Dt.03.01.2024.  
KGM

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