

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services - Employees of local bodies who were appointed through A.P.P.S.C./D.S.C., in Govt. Service – Pay Protection – Orders – Issued.

FINANCE (FR.II) DEPARTMENT

G.O. Ms. No. 105

Dt.02-06-2011

Read the following:

1. Representation of A.P. Secretariat Association, Hyderabad
Dt. 8-10-2010 and 15-4-2011.
2. G.O.Ms.No.472, G.A. Dept. dated 23-7-1968
3. G.O.Ms.No.653, G.A. dept. dt. 29-10-1968
4. G.O.Ms.No.168, Panchayat Raj (Estt.III) Dept., dt. 20-3-1981.
5. G.O. Ms. No. 213, Finance (FR.II) dept., dt. 13-7-1983
6. G.O. Ms.No.297, Finance Dept. dt. 14-10-1996

ORDER:

In the reference 1st read above, the A.P. Secretariat Association, Hyderabad has stated that certain employees have appeared for competitive examinations conducted by APPSC and got selection for different posts i.e., ASOs. in Secretariat, as Senior Accountants or equal cadres in the Directorates etc., in the Government service. Before entering into Government Service they had rendered long service in post falling under jurisdiction of local bodies. It has been represented that they were drawing much higher pay than the minimum of the time Scale of Pay in the present posts for which they are freshly recruited under Government service. After joining in the present Government posts they have not been allowed service benefits like pay protection, carry forward of leave and counting of past service for pension for the reason that they are not covered under FR 22(a)(iv). It has been represented that this refusal is causing much heart burning and hardship to employees who had worked earlier under local bodies and been recruited to the posts in the Government. It was further stated that all service conditions of the employees of local bodies and employees in Government are similar in nature and the services of the local bodies were provincialised in G.O.Ms.No. 168, P.R. (Estt.III) Dept., dt. 20-3-1981. As the salaries of the employees of local bodies are being drawn under the Head "010. Salaries" from out of the consolidated fund of the State, the Association requested to allow pay protection for all the employees recruited through APPSC irrespective of the post from which they came.

2. According to the orders issued in G.O. 2nd read above Govt. employees have been declared ineligible for direct recruitment. The said rule has been amended in G.O.3rd read above and Government permitted govt. employees to apply for direct recruitment and further Govt. employees have been permitted to retain all other benefits accrued to them in the previous posts except the lien. In G.O. 5th read above, orders have been issued for protection of pay stipulating that the pay in the new post should not be less than the pay drawn by the Government servant in their earlier post. In Memo. No. 24555/788/FR.II/84-1, dt. 5-10-1984 a clarification was issued to this G.O. stating that the pay may be fixed at the minimum of the scale of the new post, and if this pay happens to be less than the pay drawn from the previous post, then the shortfall in pay should be protected as personal pay to be absorbed in future increases. The sole ground on which these instructions were issued was that junior shall not draw higher pay than his seniors by virtue of his holding a post before selection by APPSC.

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3. Consequently and in view of the judgement of Supreme Court orders were issued in G.O.6th read above providing for pay protection, which was confined to the government servants only. According to the said orders, "this benefit shall be confined to the Govt. employees only. The employees working in central Govt. Universities, aided Institutions etc., who are appointed to the Govt. service on selection by the A.P.P.S.C.. or Dist. Selection committee are not eligible for the benefit provided under sub-clause (iv).

4. According to Rule 39 © of A.P. State and Subordinate service rules, a person in the service of the government, who applies for direct recruitment and accepts the new post will retain all benefits accrued to him in the previous post except the lien which he has held over will come to an end.

5. In the wake of orders mentioned above, the request of the A.P. Secretariat Association has been examined and the Government is of the view that as the word “provincialisation of services” is nowhere defined in the Acts or the Rules and as at present the salaries are being paid through Treasuries from 10-12-2004 under the Head of Account “010. Salaries” the benefit of this protection can be agreed to the employees who are appointed after 10-12-2004.

6. In the circumstances stated above, Government hereby order that the former employees of local bodies who are appointed later through A.P.P.S.C. and D.S.C., in Govt. Service on or after 10-12-2004, and who are continuing in government service as on today be given pay protection under F.R 22(a) (iv) with monetary benefit from the date of issue of these orders.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

L.V. SUBRAHMANYAM
PRINCIPAL SECRETARY TO GOVERNMENT (FP)

To
All Departments of Secretariat (10 copies each)
The Accountant General, A.P., Hyderabad (20 copies)
The Accountant General, A.P., Hyderabad (by name)
The Pay and Accounts Officer, Hyderabad
The Secretary to Governor, A.P., Hyderabad.
All Secretaries to Government.
The Private secretary to the chief Minister and Private Secretaries to all Ministers.
A.P. Secretariat Service Association, A.P. Secretariat, Hyderabad.
All the Heads of Departments (including Collectors and District Judges)
The Registrar, High Court of Andhra Pradesh, Hyderabad (with covering letters)
All the District Treasury officers.
The Secretary, A.P. GENCO/TRANSCO.
The General Manager, A.P. State Road Transport Corporation, Hyderabad
(with covering letter)
All District Educational Officers.
All District Panchayat Officers.
All Secretaries of Zilla Grandhalaya Samsthas through the Director of Public Libraries, Hyderabad.
All Secretaries of Agricultural Market Committees through Director of Marketing, A.P., Hyderabad.
All Commissioners/Special Officers of Municipalities.
All Recognized Service Associations.
The Director, Government Central Press, A.P., Hyderabad for publication in the A.P. Gazette.
Copy to the General administration (Cabinet) Department.
Copy to the General administration (SW) Dept.
Copy to SF/SCs.

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SECTION OFFICER



**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Public Services – Former Employees of local bodies who were appointed through Andhra Pradesh Public Service Commission/District Selection Committee in Government Service – Pay Protection – Orders – Issued.

FINANCE (FR.II) DEPARTMENT

G.O. Ms. No.45

Dt.19-02-2014

Read the following:

1. G.O. Ms. No. 105, Finance (FR.II) Department, dt.02-06-2011.
2. Representation of Service Associations and certain ASOs of A.P. Secretariat, Hyderabad, dated.10.10.2013.

ORDER:

In the reference 1st read above, orders were issued for protection of pay in respect of former employees of local bodies who are appointed later through A.P.P.S.C. and D.S.C., in Government Service on or after 10-12-2004, and who are continuing in Government service on 02.06.2011(the date of issue of orders) under F.R 22(a) (iv) with monetary benefit from the date of issue of these orders.

2. In the reference 2nd read above, the service Associations represented that before entering into Government service the employees of local bodies happened to render long service in the post held by them in the local bodies. They were drawing much higher pay than minimum of the pay scale in the present posts for which they are freshly recruited and requested to protect their pay drawn in earlier posts under local bodies.

3. In the circumstances stated above, after careful examination, Government hereby order that the protection of pay ordered in the reference 1st read above, be extended to the former employees of local bodies who are appointed through A.P.P.S.C. and D.S.C., in Government Service, between 02.06.2011 and 31.12.2013. The monetary benefit shall be effective from the date of issue of these orders.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**Dr. D. SAMBASIVA RAO
PRINCIPAL SECRETARY TO GOVERNMENT(FP)**

To
The Accountant General, A.P., Hyderabad (20 copies)
The Accountant General, A.P., Hyderabad (by name)
The DTA/PAO/DSA, Hyderabad
All Departments of Secretariat

The Secretary to Governor, A.P., Hyderabad.

All Secretaries to Government.

All the Heads of Departments (including Collectors and District Judges)

The Registrar, High Court of Andhra Pradesh, Hyderabad (with covering letter)

All the District Treasury officers.

All District Educational Officers.

All District Panchayat Officers.

All Secretaries of Zilla Grandhalaya Samsthas through the Director of Public Libraries, Hyderabad.

All Secretaries of Agricultural Market Committees through Director of Marketing, A.P., Hyderabad.

All Commissioners/Special Officers of Municipalities.

All Recognized Service Associations.

The Director, Government Central Press, A.P., Hyderabad for publication in the A.P. Gazette.

Copy to SF/SCs.

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services - Employees of local bodies who were appointed through A.P.P.S.C./D.S.C., in Govt. Service – Pay Protection – Amendment Orders – Issued.

FINANCE (HR-II-FR) DEPARTMENT

G.O.MS.No. 179

Dated: 29-11-2018

Read the following:

1. G.O.Ms.No. 105, Finance (FR II) Department, dated 02.06.2011.
2. G.O.Ms. No. 45, Finance (FR II) Department, dated 19.02.2014.
3. Representation of A.P. Secretariat Association, Velagapudi, Amaravathi, dt:03.08.2018.

ORDER:

In the G.O first read above, Government have issued orders for the former employees of local bodies who are appointed later through A.P.P.S.C. and D.S.C., into Govt. Service on or after 10-12-2004, and who are continuing in government service as on today be given pay protection under F.R 22(a) (iv) with monetary benefit from the date of issue of those orders i.e, 02.06.2011.

2. In the G.O second read above, Government issued further orders extending the benefit of pay protection to the employees of Local Bodies who are appointed later through APPSC and DSC in to Government service between 02.06.2011 and 31.12.2013. The monetary benefit allowed from the date of issue of those orders i.e.19.02.2014.

3. In the reference third read above, the Andhra Pradesh Secretariat Association (APSA), Velagapudi has requested for protection of pay to the 2018 batch ASOs, who hailed from local body services i.e teachers under FR 22 (a)(iv) on par with the earlier batches.

4. Government after careful examination of the matter taken a considered decision and here by issue amendment to omit the following phrase in para (6) of the G.O. first read above.

“and who are continuing in Government service as on today”

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

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PEEYUSH KUMAR
SECRETARY TO GOVERNMENT (FP)

To

All Departments of Secretariat (10 copies each)

The Accountant General, A.P., Hyderabad (20 copies)

The Accountant General, A.P., Hyderabad (by name)

The Pay and Accounts Officer, Ibrahimpatnam

The Secretary to Governor, A.P., Hyderabad.

All Secretaries to Government.

The Private secretary to the chief Minister and Private Secretaries to all Ministers.

A.P. Secretariat Service Association, A.P. Secretariat, Velagapudi.

All the Heads of Departments (including Collectors and District Judges).

The Registrar, High Court of Andhra Pradesh, Hyderabad (with covering letters)

All the District Treasury officers.

The Secretary, A.P. GENCO/TRANSCO.

The General Manager, A.P. State Road Transport Corporation, Hyderabad (with covering letter)

All District Educational Officers.

All District Panchayat Officers.

All Secretaries of Zilla Grandhalaya Samsthas through the Director of Public Libraries, Hyderabad.

All Secretaries of Agricultural Market Committees through Director of Marketing, A.P.,

All Commissioners/Special Officers of Municipalities.

All Recognized Service Associations.

The Director, Government Central Press, A.P.,

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SECTION OFFICER

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services – State Audit Department – Pay Protection in respect of Sri M. Ramesh, Assistant Audit Officer in the O/o the District Audit Officer, State Audit (R.A) Eluru, formerly worked as Government Degree College Lecturer in Economics – Orders – Issued.

Finance (ADMN-III, DI-DSA) Department

G.O.Rt.No.1927

Dated:18.09.2021.

Read the following :-

E-file.No. DSA-21/2/2020-L SEC-STATEAUDIT received from the Director of State Audit (I/c), A.P.

ORDER :-

In the reference read above, the Director of State Audit (I/c), A.P., has referred the request of Sri M.Ramesh, Assistant Audit Officer to protect his pay for the service rendered in the previous post i.e. Lecturer in Government Degree College.

2. In the circumstances stated by the Director of State Audit, A.P., and after careful examination in the matter, hereby order that the pay in respect of Sri M. Ramesh, Assistant Audit Officer, O/o the District Audit Officer, State Audit (R.A) Eluru shall be protected under FR 22(a) (iv) @ Rs.64,900/- in the time scale of Rs.35120-87130/- w.e.f. the date of his joining in the post of Assistant Audit Officer i.e. 21.05.2018 subject to converting the scales in the previous post, into corresponding State Scales.

3. The Director of State Audit (I/c), A.P shall take necessary further action accordingly.

4. This order issued with the concurrence of the Finance (HR.IV-FR&LR) Department vide their U.O. No. FIN01-HR/136/2020-HR-IV, Dated 14.09.2021.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

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**Dr. K.V.V. SATYANARAYANA
SECRETARY TO GOVERNMENT**

To,

The Director of State Audit (I/c), A.P, Ibbrahimpatnam.

Copy to:

The Director Treasuries and Accounts, A.P, Ibbrahimpatnam.

The Accountant General, Andhra Pradesh, Vijayawada.

The individual through the Director of State Audit (I/c), A.P, Ibbrahimpatnam.

The Finance (HR-IV) Department.

SF/SC(1236523).

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R. Rana Gish
SECTION OFFICER

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

School Education – Counting of past service rendered in Home Department as constable for pensionary benefits and pay protection in respect of Sri. K.Danington, SGT, PS, Eedulabavi Tanda, MP Midjil, Mahabubnagar District – Orders – Issued.

EDUCATION (PE- SER. I) DEPARTMENT

G.O.Rt.No. 1504

Dated: 23.12.2013.

Read the following:-

1. G.O.Ms.No.105, Finance(FR.II) Department, dated:02.06.2011.
2. Memo.No.21944/379/A2/Pen.I/2005, dated:26.9.2005, of the Finance(Pension.I) Department.
3. From Commissioner & Director of School Education, A.P., Hyderabad, Lr. Rc.No.804/D3-1/2013, dated 25.05.2013.

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ORDER:

In the circumstances reported by the Commissioner & Director of School Education, A.P., Hyderabad in the 3rd read above and after careful examination of the matter, Government hereby accord permission to the Commissioner & Director of School Education, A.P., Hyderabad for counting of past service as Police Constable for the period from 15.3.2002 to 10.11.2010 rendered by Sri.K.Danington, SGT, PS, Eedulabavi Tanda, MP Midjil, Mahaboobnagar District, for the purpose of Pensionary and all consequential benefits and pay protection in the present post of SGT, as per Rule 26(1) of APRPRs,1980 read with Memo.No.21944/379/A2/Pen.I/2005, dated:26.9.2005 and in respect of pay protection under FR 22(a)(iv) and orders issued vide G.O.Ms.No.105, Finance(FR.II)Department, dated:02.06.2011 of the Finance(Pension.I) Department.

2. This order issues with the concurrence of the Finance(ESE) Department vide their U.O.No.19818/117/A1/Pen-II/13, dated: 22.7.2013.

3. The Commissioner & Director of School Education, A.P., Hyderabad, shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF GOVERNOR OF ANDHRA PRADESH)

RAJESHWAR TIWARI
PRINCIPAL SECRETARY TO GOVERNMENT(SE)

To
The Commissioner & Director of School Education,
Andhra Pradesh, Hyderabad.

Copy to:

The Finance(ESE) Department.
The District Educational Officer, Mahabubnagar District.
Sf/Scs.

// FORWARDED BY ORDER //

SECTION OFFICER

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

ELEMENTARY Education – W.P.No.5455/2007 filed by Smt. S.D.Laxmi Bai, SGT, S.S.R.H. Aided Upper Primary School, Narasimharaopet, Eluru for pay protection – Implementation of the orders of High Court of Andhra Pradesh dated: 06.12.2007 – Request of Smt. S.D.Laxmi Bai for pay protection by counting earlier aided service – Rejected – Orders – Issued.

EDUCATION (SE-PS.II) DEPARTMENT

G.O.Rt.No.265

Dated:11.04.2008.

Read the following:

1. From the Director of School Education, Hyd. LR.RC.No.1701/B2/99, dt: 10.07.2001.
2. Govt.Memo.No.15085/PS3/2001, Education Dept., dt. 28.11.03
3. Representation of Smt. S.D.Laxmibai, SGT, S.S.R.H.A.U.P. School, Narismharaopet, Eluru, Dt. 4.9.2006
4. From the DSE. Hyd. Lr. RC.No. 1701/B1-2/1999, dated: 28.09.2006, dt.21.4.2007,dt.2.6.2007
5. From the H.C. of A.P., Hyderabad order dt. 6.12.2007 in W.P.No.5455/2007.
6. From the DSE. Hyd. Lr. Rc.No.1701/B1-2/1999, dt.23.01.2008.

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ORDER:

The Director of School Education, Andhra Pradesh, Hyderabad in his letter 1st read above has submitted proposals stating that one Smt. S.D.Laxmi Bai was appointed as S.G. Teacher in a Grant-in-Aid post in Vivek Vardhani Excelsior High School, Hyderabad w.e.f. 19.06.1973. She worked as SGT in the Aided post upto 13.03.1985. Later she proceeded on E.O.L. from 14.03.1985. while she was on E.O.L., she was selected and appointed as SGT in S.S.R.H.A. Upper Primary School, Narasimharaopet, Eluru (another aided school) and joined as SGT on 18.01.1986. The District Educational Officer, West Godavri has issued orders fixing her pay at Rs.670/- in the time scale of Rs.550-900 which was last drawn as SGT in Vivek Vardhani Excelsior High School and the Director of School Education, Andhra Pradesh, Hyderabad has requested the Government to ratify the action of the District Educational Officer, West Godavari in having fixed the pay of the petitioner. Government have examined the above request and rejected the same in consultation with Finance Department vide Memo. 2nd read above on the ground that she was not in a regular Government service prior to her appointment as SGT at S.S.R.H.A. Upper Primary School, Narsimharaopet, Eluru and requested the Director of School Education, Andhra Pradesh, Hyderabad to refix the pay in the minimum of the time scale attached to the post of SGT w.e.f. 18.01.1986.

2. Smt. S.D.Lakshmi Bai, SGT, S.S.R.H. Aided Upper Primary School, Narsimharaopet, Eluru submitted a representation through the reference 3rd read above to the Prl. Secretary to Government for according pay protection. The Director of School Education, Hyderabad through the reference 4th read above submitted his detailed report in the matter.

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3. While the matter is under examination of the Government, Smt.S.D.Laxmi Bai, filed W.P.No.5455/2007 and W.P.M.P.No.6927/07 in the Honorable High Court of Andhra Pradesh seeking directions from the Honorable High Court to direct the respondents not to effect any recoveries from pay of the petitioner pending W.P.No.5455/2007. The Honorable High Court in its order dt. 3.4.2007 in W.P.M.P.No.6927/07 in W.P.No.5455/07 made the following orders:

"In spite of granting sufficient time , the learned Government pleader is unable to get instructions in the matter.

In the circumstances, there shall be interim direction as prayed for."

4. The Honorable High Court in its order dt. 06.12.2007 in W.P.No. 5455/07 made the following order:

"In view of the above, without expressing any opinion on merits, the 1st respondent is directed to consider the recommendations made by the 2nd respondent vide his letter in RCNo. 1701/B1-2/99, dated 28.9.2006 and pass appropriate orders as per the law within a period of four weeks from the date of receipt of a copy of this order and communicate the same to the petitioner

Accordingly writ petition is disposed of. No order as to cost."

5. Government have examined the representation of Smt.S.D.Laxmi Bai, SGT, S.S.R.H. Aided Upper Primary School, Narsimharaopet, Eluru, with reference to the report of the Director of School Education, Andhra Pradesh, Hyderabad and with reference to the above orders of Honorable High court and with reference to the advise of the Finance Department and Law Department in the matter.

6. The Law Department opined that, the benefit of pay protection is available only to Government employees who are appointed to another post by direct recruitment through A.P. Public Service Commission. They have quoted the following case laws in support.

The Supreme Court in M/s Vishal Properties Private Limited Vs. State of U.P. (2007 (12) SCALE 32 held that Article 14 is not meant to perpetuate an illegality. It provides for positive equality and not negative equality. Therefore we are not bound to direct any authority to repeat the wrong action done by it earlier. The Supreme Court in State of Jharkand Vs. Manghu Kumbhakar (2007 (11) 168) held that merely because mistake had been committed in one case, there is no rational for perpetuating that mistake.

In view of the above observations of the Apex Court a wrong benefit conferred upon a person cannot be claimed to be extended on the basis of equality doctrine.

7. Any appointment of an individual into an aided post is for all practical purposes a fresh appointment to a post to which Government pays salary. The individual starts service in the aided post as a fresh candidate, subject to the rules of aided teachers service. In the present case, the individual had worked as an aided teacher earlier in another school, but had on her own, resigned from the first post, sought selection as aided teacher in another school, and was so selected. She cannot justifiably claim protection of pay. She was not transferred by the Government in public interest from one aided school to another; but she resigned at one school and joined another school, for her own personal convenience and comfort. No public interest is involved in the matter.

8. Government therefore after careful consideration of the facts of the case, reject the request of Smt. D.Laxmi Bai, SGT, S.S.R.H. Aided Upper Primary School, Narsimharaopet, Eluru for according pay protection, by allowing the pay fixation made by the District Educational Officer, West Godavari District vide letter No. 5/A3/99, dated:02.02.1993.

9. The Director of School Education, Andhra Pradesh, Hyderabad is requested to take further action accordingly.

10. This order issues with the concurrence of Finance Department vide their U.O.No.27709/477/A1/FR.II/2007, Dated:27.11.2007.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. C.B.S.VENKATARAMANA
PRL.SECRETARY TO GOVERNMENT

To
The Director of School Education, Andhra Pradesh, Hyderabad
Copy to:
The District Educational Officer, West Godavari District.
The Govt. Pleader for School Edn., A.P. High Court, Hyderabad.
SF/SCs.

// FORWARDED : : BY ORDER //

SECTION OFFICER