

(2008) 06 AP CK 0026
In the Andhra Pradesh High Court
Case No : Writ Petition No. 3332 of 2006

K. Ramulu

APPELLANT

Vs

Regional Manager, APSRTC and Another

RESPONDENT

Date of Decision : 25-06-2008

Acts Referred:

Citation : (2008) 5 ALD 214

Hon'ble Judges : L. Narasimha Reddy, J

Bench : Single Bench

Advocate : P. Venkateswar Rao, for the Appellant; B.G. Uma Devi, for the Respondent

Final Decision : Dismissed

Judgement

L. Narasimha Reddy, J.—The petitioner was employed as a Driver in the APSRTC on 1.2.1978. He was promoted as Controller on 8.8.1990 in Ranga Reddy region. On personal reasons, the petitioner opted to function as a Driver and on his request, he was reverted to the post of Driver, vide proceedings, dated 30.3.1994, and was posted in Mahaboobnagar region. The Corporation issued a Circular, dated 3.5.1989, providing for grant of stagnation increment to the employees, who do not earn any promotion, for a period of 12 years. The petitioner claims benefit under the said circular.

2. The respondents filed a counter-affidavit, disputing the claim of the petitioner. It is stated that once the petitioner was extended the benefit of promotion, the question of granting stagnation increment to him does not arise.

3. Heard the learned Counsel for the petitioner and the learned Standing Counsel for the Corporation.

4. By its very nature, stagnation increment is extendible to those employees, who do not have any avenues of promotion, for the stipulated period. It could be on account of lack of vacancies or absence of qualifications in the incumbent. Where, however, an employee is promoted, but he chooses either not to accept

the promotion or seek reversion after accepting it, the question of extending the benefit of stagnation increment does not arise. Relief, if granted in such cases, would in fact be a contradiction in terms. It is a matter of record that the petitioner was extended the benefit of promotion in the year 1990 and he remained in the superior post for a period of three years and thereafter, sought reversion. Therefore, the question of extending the benefit of stagnation increment to the petitioner does not arise.

5. Learned Counsel for the petitioner places reliance upon clarifications issued in the Circular, dated 5.9.1989. A perusal of the same discloses that they are hardly of any help to the petitioner. The writ petition is, accordingly, dismissed. There shall be no order as to costs.