



The Andhra Pradesh Educational Service Untrained Teachers (Regulation of Services and Fixation of Pay) Act, 1991

Act 14 of 1991

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**THE ANDHRA PRADESH EDUCATIONAL SERVICE
UNTRAINED TEACHERS (REGULATION OF
SERVICES AND FIXATION OF PAY) ACT, 1991.**

ACT No. 14 OF 1991 *

[23rd April, 1991]

An Act to provide for the Regulation of Fixation of Pay of certain Untrained Graduate Teachers and Matriculate of Automatic Advancement Scheme in the State of Andhra Pradesh and for matters connected therewith or incidental thereto.

Whereas, in G.O.Ms.No. 257, Education Department, dated the 10th February, 1967

* Received the assent of the Governor on the 22-04-1991. For statement of object and reasons please see the Andhra Pradesh Gazette, Part IV-A, Extraordinary, dated 20-03-1991 at Pages 9 to 12.

Government have, due to paucity of trained graduate teachers in Science and Mathematics permitted the appointment as teachers, the untrained graduates in Science and Mathematics subjects in the Secondary Schools under the Government, the Zilla Parishads and aided managements in the Telangana area of the State on a minimum basic pay of Rs. 130/- in the scale of pay of Rs. 130-250 with usual allowances admissible to a trained graduate teacher for a period of two years with effect from the date of the said order:

And whereas, in G.O.Ms.No. 2063, Education, dated the 9th October, 1967 the Government further directed that the untrained graduates, untrained Intermediates and Matriculates, who were appointed as teachers be eligible to the minimum of the time scale applicable to the post, they hold and not eligible to draw any increments till they acquire the qualification prescribed for the posts:

And whereas, the Andhra Pradesh Administrative Tribunal in its order dated the 15th September, 1977 in Transferred W.P. No. 1361/76 directed that even the untrained graduates in Humanities appointed in the Secondary grade posts in the scale of pay of Rs. 80-150 also should be allowed the minimum of Rs. 130/- in the scale of pay of Rs. 130-250 admissible to trained graduates appointed in B.Ed., (School Assistant) posts contrary to the intention of the Government behind the orders issued in G.O.Ms.No. 257, Education Department, dated the 10th February, 1967;

And whereas, in G.O.No. 194, Finance and Planning (F.W.PRC-I) Department, dated the 1st June, 1982, Government have formulated a scheme of advancement in service by the creation of Special Grade posts to teachers who have completed ten years of service in a particular scale of pay and Special temporary promotion posts, Special adhoc-promotion posts for teachers who have completed fifteen years of service in a particular scale of pay;

And whereas, it is not the intention of the Government to count the services of the aforesaid untrained teachers working in Secondary Grade Posts for the purpose of extending the Special Grade, Special temporary Promotion, Special adhoc promotion posts under the automatic advancement scheme referred to above as they were allowed the minimum pay in the time scale only as a concession;

And whereas, the Andhra Pradesh Administrative Tribunal in Representation Petition Nos. 1799 and 1930 of 1985 dated the 27th December, 1985 have directed the respondents to consider the claim of the petitioners and to confer the benefit of automatic advancement scheme on them counting their service as untrained teachers contrary to the intention of the Government behind the orders issued in G.O.No. 164, Finance and Planning (F.W. PRC-I) Department, dated the 1st June, 1982;

And whereas, in exercise of the powers conferred by the proviso to clause (5) of article 371-D of the Constitution of India, the Government annulled the

orders of the Andhra Pradesh Administrative Tribunal in the R.P.Nos. 1799 and 1930 of 1985 dated the 27th December, 1985 in G.O.No. 166, Education (Ser. II) Department, dated the 24th March, 1986 and G.O.No. 197, Education (Ser. II) Department, dated the 25th April, 1986;

And whereas, the Supreme Court in W.P.No. 90 of 1977 with SLP(c) No. 2967/77 declared that clause (5) of article 371-D of the Constitution as void;

And whereas, the Special Leave Petition No. 13779-85 of 1987 dated the 25th January, 1988 filed by the Government against the orders of the Andhra Pradesh Administrative Tribunal referred to above, was dismissed by the Supreme Court of India as barred by limitation;

And whereas, the scope of what was originally intended to be an incentive to the Science and Mathematics teachers for a period of two years only due to paucity of trained Science and Mathematics teachers in Secondary Schools under Government, Zilla Praja Parishads, and aided managements in Telangana area has been so enormously widened that the Government are forced to (1) pay the minimum of Rs. 130/- admissible to trained graduates even to untrained graduates in subjects other than Science and Mathematics with subsequent increases due to revision of pay scales from time to time and (2) pay the minimum of Rs. 130/- admissible to trained graduates

appointed in B.Ed., (School Assistant) posts even to the untrained graduates appointed in Secondary Grade posts with subsequent increases due to revision of pay scales from time to time and count the service of such untrained graduates working in Secondary Grade Posts for automatic advancement scheme aforesaid counting their service as service in B.Ed., (School Assistant) posts;

And whereas, the Government have to incur a huge expenditure of more than ten crores of rupees seriously hampering the developmental programmes of the State if these unintended financial commitments are not effectively stopped;

BE it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Forty second Year of the Republic of India, as follows:-

1.(1) This Act may be called the Short title and Andhra Pradesh Educational Service Un-commencement. trained Teachers (Regulation of Services and Fixation of Pay) Act, 1991.

(2) It shall be deemed to have come into force with effect from the 10th February, 1967.

2. Notwithstanding anything contained regulation of pay in any rule or order of the Government of the untrained or any judgement of any court, Tribunal graduate or other authority, the untrained gradu-teachers. late teachers in the subjects of Science and Mathematics appointed in pursuance of G.O.Ms.No. 257, Education Department,

dated the 10th February, 1967 and the untrained graduate teachers in the subjects of Humanities appointed in pursuance of orders of Tribunal in Transferred with Petition No. 1361/76, dated the 15th September, 1977 who actually handled eighth, ninth and tenth classes in the Secondary Schools of Government, Zilla Parishads or as the case may be, aided managements in the Telangana area of the State of Andhra Pradesh shall be entitled to the minimum of Rs. 130/- in the time scale of Rs. 130-250 admissible to trained graduate teachers if they are appointed to posts carrying that scale with effect from the 10th February, 1967 to 31st December, 1973 and thereafter, their pay shall be regulated as per their eligibility as untrained graduate teachers in accordance with the rules and orders in force.

Abatement of 3. Notwithstanding any Government
Claims. order, judgement, decree or order of any Court, Tribunal or other authority, the supernumerary posts created in the B.Ed., scale of Rs. 130-250 in accordance with the orders issued by the Government in Memos. No. 1630/H-1/81-3, dated the 12th January, 1982 and also on the 20th February, 1984 in place of the Secondary Grade posts of teachers in the time scale of Rs. 80-150 shall and shall be deemed always to have been Secondary Grade Posts in the time scale of Rs. 80-150 with subsequent increases due to revision of pay scales from time to time and accordingly.--

(a) the excess amount already sanctioned and paid to the incumbents by creating supernumerary posts as aforesaid shall be recovered in such manner and in such number of instalments as the Director of School Education may, by order, direct;

(b) the teachers working in such supernumerary posts shall not be entitled for counting their service in the B.Ed. scale for the automatic advancement scheme formulated in G.O.Ms.No. 164, Finance, dated the 1st June, 1982;

(c) any benefit given to the teachers referred to in clause (b) in accordance with the said Government order shall stand cancelled from the date of extending such benefit and any amount drawn in pursuance of such benefit shall be recoverable in the manner specified in clause (a);

(d) no suit or other proceedings shall be maintained or continued in any Court, Tribunal or other authority against the Government or any person or other authority whatsoever for creation of supernumerary posts for the teachers referred to in clause (b) and also such pending proceedings shall abate forthwith; and

(e) no court shall enforce any decree or order directing the pay fixation on par with the posts of teachers created for the subjects of Mathematics and Science in accordance with G.O.Ms.No. 257, Education Department, dated the 10th February, 1967.

Repeal of Ordinance 4 of 1991. 4. The Andhra Pradesh Educational Service Untrained Teachers (Regulation of Services and Fixation of Pay) Ordinance, 1991 is hereby repealed.