

GOVERNMENT OF ANDHRA PRADESH
SCHOOL EDUCATION DEPARTMENT

From
Dr. G. Vani Mohan, I.A.S.,
Commissioner and Director of School
Education,
Andhra Pradesh, Hyderabad

To
The Principal Secretary to Government,
Education Department,
Government of Andhra Pradesh,
Hyderabad.

Rc.No. 118/R1-1/2012, Dated: 31.10.2013

Sir,

Sub: School Education – Encashment of Half Pay Leave – Request for applicability of relevant Government Orders to Teachers working under all managements viz., Panchayat Raj, Municipal – Proposals Submitted – Request – Reg.

- Ref:
1. G.O.Ms.No.342 Finance and Planning Department, dated 30.09.1994.
 2. G.O.Ms.No.234 Finance and Planning Department, dated 27.10.1999.
 3. Government Memo No. 49578/905/FR-I/A2/1998 dated 23.02.1998 of the Finance Department.
 4. Government Memo No. 27424/SE.OP/99-3 dated 01.01.2009 of the Education (SE.OP) Department.
 5. G.O.Ms.No.154 Finance (FR-I) Department, dated 04.05.2010.
 6. Rule Nisi dated 09.03.2012 of the Hon'ble APAT, Hyderabad in OA No.1863/2012.
 7. Order dated 19.10.2012 of the Hon'ble A.P.A.T., Hyderabad in O.A. No. 1863/2012 and O.A. No. 6267/2012.
 8. Government Memo No. 7380/PE. Ser. I-2/2012, dated 10.12.2012 of Education (PE) Department.

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I wish to submit that encashment of Half Pay Leave at the time of retirement of Government Employees are issued by the Government vide references 1st, 2nd and 5th cited. In the reference 8th cited Government have issued clarification stating that the above orders are applicable to the Government Employees only and not applicable to the Panchayat Raj and Municipal Institutions, if the above orders are not extended to them. In this connection I am to state that all the Government orders are directly extended to Government Employees only and the orders issued by the Government from time to time are extended to the Local Body Employees as well as Municipalities. In the same analogy there is no mention about the extension of the following HPL Government Orders to the Panchayat Raj Teachers, Municipal Teachers including non-teaching staff. The President, P.R.T.U., A.P., Hyderabad and other Teacher Associations represented that the following G.Os. may be extended to them, so as to enable to utilise the facility accorded by the Government.

1. G.O.Ms.No. 342, dated 30.09.1994.
2. G.O.Ms.No. 234, dated 27.10.1999.
3. G.O.Ms.No. 154, dated 04.05.2010.

extend the benefits ordered in G.O.Ms.No. 154, Finance (FR-I) Department, dated 04.05.2010 with regard to Half Pay Leave to the Panchayat Raj Teachers

The employees of Local Bodies/Municipal are enjoying the same benefits on par with Government Employees on the following except encashment of Half Pay Leave at the time of Retirement.

1. Revised Pay Scales.
2. Annual Grade Increments.
3. Salaries.
4. Pay Protection.
5. Leave Rules and Pension Rules.
6. Encashment of EL.

A comparative statement is also enclosed for ready reference.

In view of the above, I request the Government kindly to re-examine the issue of extending the benefits of encashment of Half Pay Leave on retirement to the teachers of Mandal Parishad/Zilla Parishad/Municipal Managements.

Yours faithfully,

Commissioner and Director of School Education,

31/10/2013

I wish to submit that encashment of Half Pay Leave at the time of retirement of Government Employees are made by the Government and reference to 2nd and 8th clause in the reference cited Government has issued clarification stating that the above order are applicable to the Government Employees only and not applicable to the Panchayat Raj and Municipal Employees. If the above order are not extended to them in this connection, it is to state that all the Government employees are directly extended to Government Employees only and the order issued by the Government from time to time are extended to the Local Body Employees as well as Municipalities. In this connection, there is no mention about the extension of the following HPL Government Order to the Panchayat Raj Teachers Municipal Teachers Government Order. The President, P.R.T.J. A.P., Hyderabad and other Local Body Associations requested that the following G.O. may be issued to extend to them to enjoy the facility accorded by the Government.

1. G.O. Ms. No. 242 dated 20.09.1994
2. G.O. Ms. No. 234 dated 27.10.1999
3. G.O. Ms. No. 154 dated 04.05.2010

Government Teachers:

- ❖ It is submitted that the Teachers are working under two managements in Education Department i.e.,
 - 1) Panchayat Raj Teachers
 - 2) Government Teachers.
- ❖ Earlier the C.E.O. is the appointing authority for the teachers working under Panchayat Raj Department and the District Educational Officer is a competent authority for the teachers working in the Government Department.
- ❖ The Panchayat Raj teachers were provincialised by the Government and extended all the benefits to the Panchayat Raj Teachers on par with Govt. Teachers as follows.
- ❖ Now, the appointing authority for Panchayat Raj Teachers and Government Teachers is District Educational Officer as per Service Rules

| S.No. | Subject | Government Teachers | Panchayat Raj Teachers |
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| 1. | Recruitment of SGT / SA / LPs | The qualification prescribed in G.O.Ms.No.11, Dt:23.01.2009. are applicable to hold the post. | The same qualifications have been prescribed in G.O.Ms.No.12, Dt:23.01.2009. |
| 2. | Scales | PRC 2010 Scales are applicable to the teachers working in Govt. Sector. | The same benefits were extended to the Panchayat Raj Teachers. |
| 3. | Increments | As per F.R. the Government teachers are eligible to get increments annually. | The same benefit were extended to the Panchayat Raj Teachers.G.O.Ms.No.52 Fin (PC-I) Dt:25.02.2010. |
| 4. | Salaries | The salares are paying under "010" Head of account to the Government Teachers | The same benefit i.e., "010" Head of account is extended to the teachers Vide G.O.Ms.No.354 /PRD DT:16.09.2009. |
| 5 | Pay protection | The Government teachers are eligible to get pay protection those who have appointed under direct recruitment | Government vide G.O.Ms. No.105, Dt:02.06.2011 have issued orders to protect the pay of local body employees who were appointed after 10.12.2004 stating that as the word |

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| | | | <p>"Provincialisation" of service: 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 Accounts "010 Salaries" the benefit of this protection can be agreed to the employees who are appointed after 10.12.2004.</p> |
| 6. | Leave Rules | <p>A.P. leave Rules 1933 are applicable to the Government servants.</p> <p>The Government vide. G.O. Ms.No.70 Edn Dt:06.07.2009 has issued orders duly delegating powers to the H.M. M.E.O. / Dy.E.O. / D.E.O. / D.S.C.</p> | <p>The same rules were extended to the Panchayat Raj teachers in Govt. Memo. No. 3612/G2/1971.16, Dt:19.02.1977.</p> |
| 7. | Pension Rules | <p>The A.P. Revised Pension Rules 1980 are applicable to the teachers of Government.</p> | <p>The same Pension Rules were extended to the Panchayat Raj Teachers.</p> |
| 8. | Encashment of Earned Leave | <p>The Government have permitted to encash 300 days of E.L. at the time of retirement for Government Teachers.</p> | <p>The same benefit were extended to the Panchayat Raj Teachers.</p> |
| 9. | H.P.L. | <p>The Government vide G.O.Ms.No.154,Dt: 04.05.2010 have issued orders for encashment of leave on Half pay at the time of retirement subject to condition that the total No. of days of earned leave + leave on Half pay put together should not exceed 300 days for encashment.</p> | <p>The benefit was not extended by the Government vide its Memo.No.354.</p> |