

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

THURSDAY, THE THIRTY FIRST DAY OF MARCH
TWO THOUSAND AND SIXTEEN
(31.03.2016)

PRESENT
THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
&
THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

WRIT PETITION No.9734 of 2016

Between:

K.Visweswara Rao

..... PETITIONER

AND

The State of Andhra Pradesh,
Rep.by its Secretary,
Revenue Department, A.P.Secretariat,
Hyderabad and 4 others

.....RESPONDENTS

Counsel for the Petitioner

: Mr.K.K.CHAKRAVARTHY

Counsel for Respondents Nos.1 to 6

: G.P.for Services (AP)

The Court made the following:

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
&
THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

WRIT PETITION No.9734 of 2016

JUDGMENT: (per Hon'ble Sri Justice C.V.Nagarjuna Reddy)

The petitioner worked in the Department of Survey and Land Records. He has filed O.A.No.4179 of 2009 before the Andhra Pradesh Administrative Tribunal, Hyderabad (for short "the Tribunal") seeking a direction to the respondents for grant of pension on the ground that he has completed more than 10 years service before he left the job. The said O.A. was disposed of by the Tribunal on 16.03.2009, directing the respondents to dispose of the petitioner's representation within four weeks. In pursuance of the said direction, respondent No.2 disposed of the petitioner's application, vide his order dated 06.04.2009 rejecting his request. Feeling aggrieved by the same, petitioner filed O.A.No.5586 of 2009 before the Tribunal. By order dated 22.06.2011, the Tribunal dismissed the said application. Assailing the same, petitioner filed W.P.No.7104 of 2012. A Division bench of this Court dismissed the said writ petition by observing that through the application dated 16.09.1975, the petitioner sought to resign his job while working as the Deputy Surveyor of Supplemental Survey Unit-II, Vizianagaram, and that the said application was accepted on 20.11.1975 by respondent No.2. The Bench further held that under Article 418(A) of the Andhra Pradesh Pension Code as well as under the provisions of the Andhra Pradesh Revised Pension Rules, 1980, if an employee resigns, his entire service should be forfeited, and as the petitioner has resigned his job, the length of service determining the pension should be forfeited. Taking this view, the Division Bench has upheld the order of the Tribunal by order dated 15.03.2012. The petitioner was unsuccessful in filing the special leave petition with its dismissal by the Supreme Court by order dated 10.12.2014.

Undeterred by his failure in the previous round of litigation, the petitioner filed O.A.SR.No.96 of 2016 for a direction to the respondents to reconsider his request for grant of proportionate pension along with gratuity for the service rendered by him. On the office objections regarding the maintainability of the O.A., the same was placed before the bench of the Tribunal. The Tribunal upheld the office objections by observing that the applicant cannot go on multiplying original applications one after the other on the alleged ground of not urging the present grounds in the previous litigation which ended in the Supreme Court.

The relief sought to be claimed in O.A.SR.No.96 of 2016 was the substantive relief claimed by the petitioner in O.A.No.No.5586 of 2009. As noted above, the said O.A. was dismissed and the said dismissal was confirmed by this Court in W.P.No.7104 of 2012 with a specific finding that as the petitioner has resigned his job, he has forfeited his right to claim any pensionary benefits. The Supreme Court has also declined to interfere with the said orders. Therefore, the Tribunal has rightly refused to entertain the O.A.SR filed claiming the same relief which the petitioner failed to obtain in the previous round of litigation. Hence, we do not find any ground to interfere with the impugned order.

The Writ Petition is accordingly dismissed. No order as to costs.

As a sequel to dismissal of the Writ Petition, WPMP No.12296 of 2016, filed by the petitioner for expedite the hearing, is disposed of as infructuous.

C.V.NAGARJUNA REDDY,J

M.S.K.JAISWAL,J

Date: 31.03.2016

Dsr