

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
THE HON'BLE SRI JUSTICE G.SHYAM PRASAD

WRIT PETITION No.2781 of 2016

01.07.2016

Between:

The State of Andhra Pradesh,
represented by its Principal Secretary,
Panchayat Raj and Rural Development,
Hyderabad and others

..Petitioners

And

B.Siva Subrahmanyam and others

..Respondents

Counsel for the petitioners: Government Pleader for Services (AP)

Counsel for respondent No.1: Mr.S.Lakshminarayana Reddy

Counsel for respondent Nos.2 and 3:--

The Court made the following:

-

-

-

-

-

-

-

-
-

ORDER: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This writ petition is filed against the order, dated 03.08.2015, in O.A.No.4669 of 2014, on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad – respondent No.2, which following its earlier order, dated 19.01.2010, in O.A.No.5536 of 2009, allowed the aforesaid O.A.

2. The facts are not in dispute. Respondent No.1 was the Panchayat Secretary when he was prosecuted for allegedly indulging in corruption. Pending the criminal proceedings, he attained the age of superannuation. Even while he was in service, he was acquitted of the criminal prosecution, *vide* judgment, dated 15.04.2008, in C.C.No.4 of 2005. However, a criminal appeal was filed against the acquittal and the same is stated to be pending. As pensionary benefits are not paid to respondent No.1, he filed O.A.No.4669 of 2014, which as noted above was allowed by the Tribunal.

3. At the hearing, the learned Government Pleader for Services (AP) appearing for the petitioners has submitted that since the criminal appeal is pending before this Court, the pensionary benefits were withheld as per Rule 52 of the Andhra Pradesh Revised Pension Rules, 1980 (for short 'the Rules'). He has, however, fairly conceded that the order, dated 19.01.2010, in O.A.No.5536 of 2009 based on which, O.A.No.4669 of 2014 filed by respondent No.1 was allowed, was not challenged and the same has attained finality.

4. In **Chief Commissioner of Land Administration, A.P. vs. R.S.R.Rao**^[1], a Division Bench of this Court, while dealing with an identical case held that the appeal is not continuation of original criminal proceedings, that the order of acquittal is a final order within

the ambit of Rule 52 of the Rules and that after the order of acquittal is passed by the Criminal Court, there is no power for the Government to withhold pensionary and other retirement benefits.

5. In the light of the above Division Bench judgment, we have no reason to interfere with the order of the Tribunal and the Writ Petition is, accordingly, dismissed.

6. As a sequel to dismissal of the writ petition, W.P.M.P.No.3479 of 2016 filed by the petitioners for interim relief shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

G.SHYAM PRASAD, J

01st July, 2016
GHN

[\[1\]](#) 2010(2) ALD 773 (DB)