

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

THURSDAY, THE NINTH DAY OF JUNE TWO THOUSAND AND SIXTEEN
(09.06.2016)

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

-

WRIT PETITION No.18117 OF 2016

K. Ramachandraiah. --- Petitioner.

And

The State of Telangana,
Rep. by its Principal Secretary,
Revenue Department,
Secretariat, Hyderabad and
four others.

--- Respondents.

Counsel for the petitioner : Mr. V. Vithal.

Counsel for the respondents
Nos.1 to 5. : Government Pleader for
Services (TS).

This Court made the following:

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

This writ petition is filed for mandamus to declare order dated 21.04.2015, in O.A. No.2089 of 2015, of the Andhra Pradesh Administrative Tribunal, Hyderabad (for short, 'the Tribunal'), to the extent that it has only directed payment of provisional pension to the petitioner instead of regular pension, as illegal and arbitrary.

We have heard the learned counsel for the petitioner and perused the record.

The respondents have withheld payment of pension to the petitioner on the ground that an A.C.B. case was pending against him. Though the said case ended in the petitioners' acquittal, the respondents are not sanctioning the pension. The petitioner has agreed that the appeal, against the acquittal, was filed by the A.C.B. and the same is pending.

In this backdrop, the petitioner filed O.A. No.2089 of 2015 for a direction to the respondents to sanction pension. The Tribunal, while admitting the O.A., directed the respondents to pay provisional pension to the petitioner within eight (8) weeks from the date of receipt of the order.

The learned counsel for the petitioner submitted that instead of directing payment of provisional pension, the Tribunal ought to have directed the respondents to fix final pension and pay the same to the petitioner.

In our opinion, as the O.A. is pending, it is not appropriate for us to entertain this writ petition at this stage. Indeed, the Tribunal was considerate in providing immediate relief to the petitioner by ordering provisional pension, pending further consideration of the O.A. Therefore, we do not find any reason to entertain this writ petition.

If the petitioner seeks any further relief, he can request the Tribunal to pass appropriate orders after the respondents filed counter-

affidavit. Subject to this liberty given to the petitioner, the writ petition is dismissed.

As a sequel to dismissal of the writ petition, W.P.M.P. No.22256 of 2016 stands dismissed as infructuous.

C.V. NAGARJUNA REDDY, J

G. SHYAM PRASAD, J

Date: 09-06-2016.
Dsh

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WRIT PETITION No.18117 OF 2016

(Order of the Division Bench delivered by
Hon'ble Sri Justice C.V. Nagarjuna Reddy)

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Date. 09-06-2016

DSH