

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.8097 OF 2016

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ORDER:

This Writ Petition, filed under Article 226 of the Constitution of India, challenges the memo bearing Roc.No.TL1/8031/2015, dated 05.11.2015 issued by the 2nd respondent – Executive Officer, Tirumala Tirupati Devasthanam.

2. Heard Sri Dadi Radha Krishna, learned counsel, appearing for the petitioner and Sri A.K.Jayaprakash Rao, learned standing counsel for the 2nd respondent Devasthanam.

3. Basing on a representation dated 22.06.2011 submitted by the petitioner herein, petitioner was allowed to retire from the 2nd respondent Devasthanam vide proceedings Roc.No.TL1/10606/2011, dated 31.08.2011 and pursuant to which petitioner was relieved from the service of 2nd respondent Devasthanam on the afternoon of 31.08.2011. Subsequently on 17.04.2015 and 22.08.2015, petitioner herein submitted representations to the Executive Officer of Tirumala Tirupati Devasthanam requesting for settlement of his pensionary benefits on proportionate basis. In response to the said representations submitted by the petitioner herein, office of the 2nd respondent vide Memo bearing Roc.No.TL1/8631/2015, dated 05.11.2015 rejected the request of the petitioner.

4. Calling in question the validity and legal sustainability of the said memo dated 05.11.2015, the present Writ Petition has been filed.

5. It is submitted by the learned counsel for the petitioner that the questioned memo is highly illegal, arbitrary and is violative of Article 14 of the Constitution of India. It is the further submission of the learned counsel that the impugned memo is liable to be set aside on

the ground of lack of any reasons. It is also the submission of the learned counsel for the petitioner that the State Government, while considering an identical issue, issued G.O.Ms.No.51, Education Department, dated 24.08.2013, directing the Head of the Department to sanction pension proportionately to the services completed.

6. On the contrary, it is vehemently contended by the learned standing counsel that there is no illegality nor there exists any infirmity in the impugned action and the impugned memo is not amenable for any judicial review of this Court under Article 226 of the Constitution of India.

7. A perusal of the questioned memo clearly discloses that except stating that the request of the petitioner is not according to the A.P.Revised Pension Rules, 1980, the 2nd respondent did not assign any other reason for rejecting the request of the petitioner in specific terms. This, in the considered opinion of this Court, cannot be sustained in the eye of law and in the definite opinion of this court, the matter requires reconsideration by the 2nd respondent by taking into consideration the contents of the representation submitted by the petitioner herein.

8. For the aforesaid reasons, Writ Petition is allowed, setting aside the impugned memo bearing Roc.No.TL1/8631/2015, dated 05.11.2015 and the matter is remanded to the 2nd respondent for fresh consideration, in accordance with law. This exercise shall be completed within a period of two months from the date of receipt of a copy of this order.

9. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

14.03.2016

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