

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

AND

THE HON'BLE SRI JUSTICE G.SHYAM PRASAD

W.P.No. 20223 OF 2016

DATED 23RD JUNE, 2016

Between:

Smt. Pydimukkala Varalaxmi ... Petitioner

AND

The Joint Director of Animal Husbandry,
Vijayawada, Krishna District, and others ... Respondents

Counsel for the petitioner : Sri P.V.Ramana

Counsel for respondent Nos. 1 to 4 : G.P. for Services (A.P.)

Counsel for the 5th respondent : --

THE COURT MADE THE FOLLOWING

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

This Writ Petition is filed feeling partly aggrieved by order of the Andhra Pradesh Administrative Tribunal at Hyderabad (for short, 'the Tribunal') in O.A.No. 1574 of 2011 dated 25-07-2014, whereby, while partly allowing the said O.A., the Tribunal has directed to fix death – cum – retirement gratuity and also pay family pension to the petitioner taking the service period of late Rama Rao up to 22-04-1997.

2. After hearing Sri P.V.Ramana, learned counsel for the petitioner, and learned Assistant Government Pleader for Services (A.P.), we are of the opinion that the petitioner deserves a higher relief for the simple reason that the Tribunal has taken the view that the order of termination of late Rama

Rao was contrary to law. Once the order is rendered invalid, ordinarily all the benefits must flow on account of such invalidation. However, the Tribunal has restricted the benefit only up to 22-04-1997. In our opinion, as, admittedly, the employee was unauthorizedly absent from duty from 01-05-1997 up to 16-10-1999 on which date he reported to duty but was not allowed to join duty, except for the said period, the family of the deceased employee is entitled to the benefit of the service of the deceased employee deeming as if he was in service prior to and after his unauthorized absence till the date of his reaching the age of superannuation.

3. In this view of the matter, the Writ Petition is partly allowed. The impugned order of the Tribunal is modified to the extent that death – cum – retirement gratuity, payable to the petitioner and other legal-heirs of the deceased Rama Rao, and also family pension shall be fixed taking the entire service of late Rama Rao except the period from 01-05-1997 to 16-10-1999.

4. As a sequel to disposal of the Writ Petition, W.P.M.P.No. 24822 of 2016 shall stand closed as infructuous.

C.V.NAGARJUNA REDDY, J.

G.SHYAM PRASAD,

J.

Date: 23-06-2016.

JSK