

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

HON'BLE SRI JUSTICE M.S.K.JAISWAL

WRIT APPEAL No.1199 of 2017

Date:23.8.2017

Between:

Dr. Yellinedi Sagareswara Rao,

S/o Subbaiah

..... Appellant

And:

State of Telangana, repled by its
Secretary, Panchayat Raj & Rural
Development Department, Velagapudi,
Guntur District and two others.

.....Respondents

Counsel for the appellant: Party-in-person

Counsel for respondent No.1: GP for Panchayat Raj (AP)

Counsel for respondent No.2: Mr. D.Seshadri

Standing Counsel for Gram Panchayat

The Court made the following:

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

Feeling aggrieved by dismissal of Writ Petition No.5757 of 2016, vide order, dated 04.8.2017, by the learned single Judge, while relegating him to the Andhra Pradesh Administrative Tribunal, Hyderabad (for short 'the Tribunal), the writ petitioner filed this Writ Appeal.

A perusal of the prayer in the afore-mentioned Writ Petition shows that the appellant has sought for a *Mandamus* to declare the action of the respondents in not issuing clarificatory order to the treasury authorities for payment of pensionary amounts due to him in respect of interest on pensionary benefits, gratuity, commutation and encashment of Earned Leave from the date of his retirement till 30.8.2011 and also for encashment of 15 days of Earned Leave for the years 2001, 2002 and 2003. The learned single Judge in his order accepted the submission of the learned Government Pleader for Finance and Planning (Andhra Pradesh) that the subject matter of the said Writ Petition pertains to the services of the appellant and as such, he has to approach the Tribunal. The learned single Judge also placed on record the request of the appellant-party-in-person to give him liberty to approach the Tribunal.

In our opinion, having made a request before the learned single Judge to give him liberty to approach the Tribunal, the

appellant is not entitled to file this Writ Appeal. Even otherwise also, we do not find any error in the view taken by the learned single Judge in the impugned order because, undisputedly, the relief claimed by the appellant pertains to computation of arrears of pension and other allied reliefs such as payment of interest on pensionary benefits, etc.

Sub-clause-(ii) of Clause-(q) of Section-3 of the Andhra Pradesh Administrative Tribunals Act, 1985 (for short 'the Act'), includes remuneration (including allowances), pension and other retirement benefits in the definition of "service matters".

Sub-section-(1) (b) of Section-15 of the Act reads as under:

"all service matters concerning a person appointed to any civil service of the State or any civil post under the State and pertaining to the service of such person in connection with the affairs of the State falls within the jurisdiction of the Administrative Tribunals."

Having regard to the nature of the dispute raised by the appellant, which squarely falls under the definition of "service matters", the learned single Judge has rightly relegated the appellant to the Tribunal.

In this view of the matter, we do not find any reason to interfere with the impugned order passed by the learned single Judge.

The Writ Appeal is, accordingly, dismissed.

As a sequel to dismissal of the Writ Appeal,
WAMP.No.2235 of 2017 is dismissed as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

JUSTICE M.S.K.JAISWAL

23rd August 2017

DR

