

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION NOs.34908 OF 2015 AND 20014 OF 2018

COMMON ORDER
(Per Hon'ble Sri Justice Sanjay Kumar)

These writ petitions pertain to the order dated 22.09.2014 passed by the Andhra Pradesh Administrative Tribunal, Hyderabad (*hereinafter*, 'the Tribunal'), in O.A.No.1996 of 2003. The said O.A. was filed by B.Janardhana Rao, the first respondent in W.P.No.34908 of 2015 and the petitioner in W.P.No.20014 of 2018. His prayer therein was to declare the action of the authorities in not permitting him to join duty as an Assistant Section Officer, Agriculture and Cooperation Department, and in putting him on compulsory wait as illegal. A consequential direction was also sought by him to the authorities to permit him to join duty by treating the period as compulsory wait and pay full salary along with consequential benefits to him. By the order dated 22.09.2014, the Tribunal held that B.Janardhana Rao was deemed to have joined duty in March, 1994 and his services should be continued till the date of his retirement in August, 2011. The authorities were accordingly directed to pay pension and pensionary benefits to him within a time frame. Aggrieved by these directions, the State of Andhra Pradesh filed W.P.No.34908 of 2015.

It appears that O.A.No.1996 of 2003 was dismissed for default by the Tribunal on 24.04.2007. Seven years later, an application in M.A.No.793 of 2014 was filed by B.Janardhana Rao seeking restoration of the O.A. This application was ordered by the Tribunal on 14.07.2014 and the O.A. was consequently restored to the file. It was then disposed of on 22.09.2014. Taking note of these facts, this Court admitted W.P.No.34908 of 2015 on 27.10.2015 and granted interim suspension of the order under challenge. Thereafter, by order dated 09.02.2017, this Court allowed the writ petition on the ground that the authorities were not given an opportunity to contest the O.A. upon its restoration. However, Review W.P.M.P.No.27019 of 2017 was filed in the writ petition by B.Janardhana Rao

claiming that the stand of the authorities that they were not afforded an opportunity of hearing by the Tribunal after restoration of the O.A. was incorrect. The review was granted by order dated 04.08.2017 and the writ petition was restored to the file. While so, W.P.No.20014 of 2018 was filed by B.Janardhana Rao assailing the action of the authorities in delaying the settlement of his pension and pensionary benefits.

Heard the learned Government Pleaders for Services appearing for the States of Telangana and Andhra Pradesh, and Sri K.Ram Reddy, learned counsel appearing for B.Janardhana Rao.

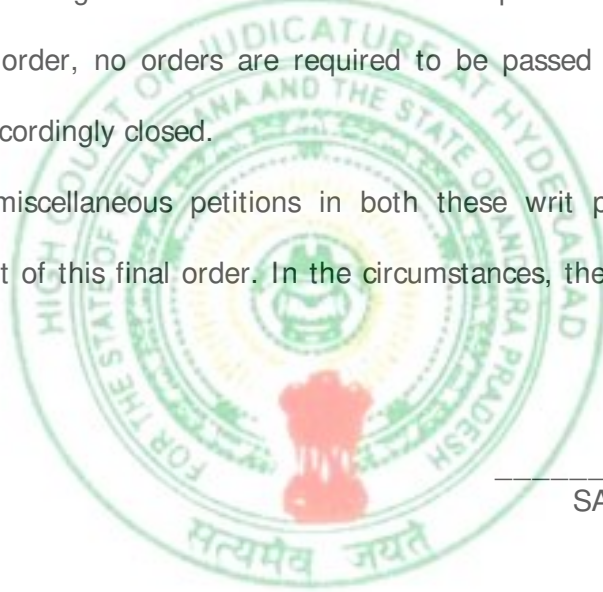
B.Janardhana Rao was initially appointed in the General Administration Department of the erstwhile State of Andhra Pradesh on 19.04.1974 and thereafter promoted as an Assistant Section Officer in the Agriculture and Cooperation Department in 1993. Though he was stated to have gotten himself relieved in February, 1993 from the Finance Department where he was then working, he did not join duty in the Agriculture and Cooperation Department. There is a controversy as to his appearing before the Medical Board for physical examination prior to reporting for duty in the Agriculture and Cooperation Department. According to Sri K.Ram Reddy, learned counsel, he reported before the Medical Board but was asked to come again. In any event, as rightly pointed out by the learned Government Pleader for Services, State of Andhra Pradesh, B.Janardhana Rao did not join duty at all and kept quiet till the year 2003 when he filed the subject O.A. Further, though the O.A. was dismissed for default in the year 2007, he took no steps for seeking restoration thereof till July, 2014.

Given this lassitude on the part of B.Janardhana Rao, we were of the opinion that grant of full pensionary benefits to him would be wholly unjustified. Sri K.Ram Reddy, learned counsel, now reports to this Court that his client would be satisfied if he is given the benefit of the service rendered by him from 19.04.1974 to 18.02.1993. Learned Government Pleaders for Services for the States of Telangana and Andhra Pradesh also report that they have no objection to B.Janardhana Rao

being given the benefit of this service for the purpose of reckoning his pension and pensionary benefits. Needless to state, in terms of the Andhra Pradesh Reorganization Act, 2014, both the successor Governments of the States of Telangana and Andhra Pradesh would have to bear the pension burden in relation to B.Janardhana Rao.

W.P.No.34908 of 2015 is accordingly allowed to the extent of modifying the order dated 22.09.2014 passed by the Tribunal in O.A.No.1996 of 2003 to the effect that B.Janardhana Rao shall be entitled to pension and pensionary benefits only in relation to the service rendered by him from 19.04.1974 up to 18.02.1993. The exercise of computing these benefits shall be completed expeditiously and in any event, not later than eight weeks from the date of receipt of a copy of this order. In the light of this order, no orders are required to be passed in W.P.No.20014 of 2018, which is accordingly closed.

Pending miscellaneous petitions in both these writ petitions shall stand closed in the light of this final order. In the circumstances, there shall be no order as to costs.



SANJAY KUMAR, J

M. GANGA RAO, J

12th OCTOBER, 2018

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