

**HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

**W.P.No.6397 of 2019**

**ORDER:**

This Writ Petition is being disposed of at the admission stage with the consent of both the parties.

2. This Writ Petition is filed seeking a Writ of Mandamus declaring the action of the respondents in not forwarding pension proposals and not granting and releasing her pension and pensionary benefits though she is having more than 20 years of qualifying service including Extraordinary Leave on Medical Certificate, as on the date of her voluntary retirement i.e. on 31-08-2006, as per Rule 21 read with Rule 43 of the Telangana Revised Pension Rules 1980, as arbitrary, illegal, without jurisdiction, and violative of Articles 14, 21 and 300A of the Constitution of India and sought consequential direction to the respondents to forthwith process the pension proposals of the petitioner to grant and release pension and pensionary benefits with all consequential benefits along with interest @ 12% per annum for the delayed period.

3. Heard Sri S.Rahul Reddy, learned counsel for the petitioner, learned Government Pleader for Services-I, appearing for respondent Nos.1 and 5 and Sri B.Narasimha Sarma, learned Standing Counsel, appearing for respondent Nos.2 and 3.

4. The petitioner contends that she was appointed as Special Teacher on 24-02-1984 and after rendering considerable length of service, she had submitted an application seeking voluntary retirement on completion of pensionary service. She has taken voluntary retirement from 31-08-2006 vide proceedings, dated 27-07-2006. The grievance of the petitioner is that though she was allowed to retire with effect from 31-08-2006, the respondents have not granted the pensionary benefits to her on the ground that she is not having 20 years of service to her credit and hence, she is not entitled for pensionary benefits.

5. Learned counsel for the petitioner contends that the 4<sup>th</sup> respondent-Head Master, ZPSS Maskapur, Khanapur Mandal, Nirmal District, submitted proposals to the 2<sup>nd</sup> respondent-Accountant General, Telangana, Hyderabad, on 16-10-2007 and the 2<sup>nd</sup> respondent has returned the proposals to re-submit the same with an endorsement to verify the provisions under Rule 43 of the Revised Pension Rules, 1980. But the 4<sup>th</sup> respondent is not submitting the said proposals.

6. Learned Government Pleader for Services-I, appearing for respondent Nos.1 and 5, contends that 4<sup>th</sup> respondent would submit the said proposals to the 2<sup>nd</sup> respondent and upon such proposals being received, appropriate action would be taken by the 2<sup>nd</sup> respondent for granting and releasing pensionary benefits to the petitioner in accordance with law.

7. This Court, having considered the rival submissions made by both the parties, is of the considered view that the Writ Petition can be disposed of directing the 4<sup>th</sup> respondent to submit pension proposals of the petitioner within two weeks from the date of receipt of a copy of this order and upon such proposals being received, the 2<sup>nd</sup> respondent shall consider and pass appropriate orders for granting and releasing pensionary benefits in accordance with Rules, within a period of four weeks thereafter.

8. With the above observations, the Writ Petition is disposed of. No costs.

9. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

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**JUSTICE ABHINAND KUMAR SHAVILI**

Date: 16-04-2019  
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