

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.39416 of 2016

ORDER:

This writ petition is filed seeking a Writ of Mandamus declaring the action of the respondents herein in fixing pension for the second term as per G.O.Ms.No.313 dated 16-6-2010 as illegal, arbitrary, unconstitutional and contrary to the amended Sec.8(3) of Act 1 of 2007 read with the provisions of the Honourable High Court and the Supreme Court Judges (Salaries and Conditions of Service) Amendment Act, 2016 with arrears to revise and re-fix the petitioner's pensionary benefits, gratuity including perks and privileges on par with the Judges of the High Court in accordance with the High Court and Supreme Court Judges (Salaries and Conditions of Service) Act as amended by Act 13 of 2016, read with Section 8 (3) of the Administrative Tribunals (Amendment) Act, 2006, (Act 1 of 2007) including commutation of pension, gratuity and all other consequential benefits including family pension etc., as per Act and to release all the benefits with arrears and interest at 12% p.a. for the delayed payment.

Heard Sri P.R. Prasad, learned counsel for the petitioner, the Special Government Pleader attached to the office of the Advocate General; and Sri B. Narasimha Sharma, learned counsel for respondent No.2.

It has been contended by the petitioner that he was selected as Member (Judicial) of A.P. Administrative Tribunal on 11.09.2002 for a term of five years and he has joined in service on 11.09.2002 and completed the first term by 10.09.2007. Thereafter, the petitioner was once again appointed as Member (Judicial) for the second term and the second term has come to an end on 29.09.2013. The petitioner further contended that

he is entitled for the benefit of the Administrative Tribunals (Amendment) Act, 2006 (Act 1 of 2007), wherein the respondents have taken a policy decision to extend additional 10 years of qualifying service for the purpose of pension in respect of those Judicial Members of Central Administrative Tribunal who were elevated from Bar and the same benefits were to be given with effect from 19.02.2007. The petitioner further contended that in respect of similarly situated Judicial Member Sri N. Janaki Rama Rao, the respondents have extended the said benefit vide proceedings dated --.11.2018 and the petitioner is also seeking similar relief as was done in the case of the said Sri N. Janaki Rama Rao.

Learned counsel for the petitioner has contended that appropriate orders be passed in the writ petition directing the respondents to extend the benefit of the Administrative Tribunals (Amendment) Act, 2006 (Act 1 of 2007) to the petitioner also, as was done in the case of one N. Janaki Rama Rao.

Learned Special Government Pleader had submitted that the proposals to that effect were already submitted to the 2nd respondent – Accountant General, vide letter dated 05.03.2019, and it is for the 2nd respondent to consider the said proposals and pass appropriate orders.

Learned Standing Counsel appearing for the 2nd respondent contended that appropriate action would be initiated on the proposals submitted by the Government, within a reasonable period of time.

This Court, having considered the rival submissions of the learned counsel for respective parties, is of the considered view that this writ petition can be disposed of directing the 2nd respondent – Accountant General to consider the proposals submitted by the Government vide letter dated 05.03.2019 and pass appropriate orders in accordance with law,

within a period of three weeks from the date of receipt of a copy of this order.

With the above observations, the writ petition is disposed of. No order as to costs.

Consequently, miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

25th April, 2019
v v

