HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION (TR) Nos.57, 2192 & 2193 of 2017

COMMON ORDER:

These three writ petitions are being disposed of by way of common order, as the issue raised in these writ petitions is one and the same.

The petitioners were promoted as Work Inspectors Grade-III and while they were working as such, they were reverted to the post of Work Inspector Grade-IV vide impugned proceedings dated 03.05.2013. Challenging the said reversion orders, the petitioners have filed O.As before the Andhra Pradesh Administrative Tribunal at Hyderabad and, consequent upon the abolition of Administrative Tribunal in respect of Telangana State, the O.As were transferred to this Court in the form of Transfer Writ Petitions.

The petitioners had contended that the Tribunal was pleased to grant *status quo* and by virtue of the said interim orders, they were allowed to work as Work Inspectors Grade-III.

Learned counsel for the petitioners contended that by virtue of interim orders, the petitioners were allowed to work as Work Inspectors Grade-III and, during pendency of these writ petitions, the petitioners have retired from service and, therefore, now the only issue is about the payment of pension and pensionary benefits to the petitioners and appropriate orders be passed in the writ petitions directing the respondents to pay pension and pensionary benefits to the petitioners

based on the last pay drawn by the petitioners as Work Inspector Grade-III.

Learned Government Pleader appearing for the respondents had contended that only by virtue of interim orders, the petitioners continued as Work Inspectors Grade-III. Learned Government Pleader further contended that the respondents have filed applications to vacate interim orders, but the same could not be adjudicated and, in the meanwhile, the petitioners have retired from service, therefore, the petitioners are not entitled to be continued as Work Inspectors Grade-III; there are no merits in the writ petitions and the writ petitions are liable to be dismissed.

This Court, having considered the rival submissions made by the learned counsel for respective parties, is of the considered view that the impugned reversion orders cannot be enforced at this point of time, as the petitioners have already retired from service, and the only issue is about the pension and pensionary benefits to be paid to the petitioners. As per the A.P. Revised Pension Rules, the pension has to be calculated on the last pay drawn by the applicants. In the instant case, admittedly the petitioners have drawn their last pay in the cadre of Work Inspectors Grade-III. Therefore, these writ petitions can be disposed of directing the respondents to sanction pension to the petitioners by duly taking into account the last pay drawn by the petitioners and this exercise shall be done by the respondents within a period of eight weeks from the date of receipt of a copy of this order.

With the above observations, these writ petitions are disposed of. No costs.

Pending miscellaneous applications, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

15th April 2019
v v

HIGH COURT FOR THE STATE OF TELANGANA
HYDERABAD