

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 2409 of 2020

Date : 06.2.2020

Between:

V Venkataiah S/o Anantha Ramaiah
Aged about 70 Occ Record Asst Rtd
R/o Chilkur Village and Mandal Suryaper District Nalgonda

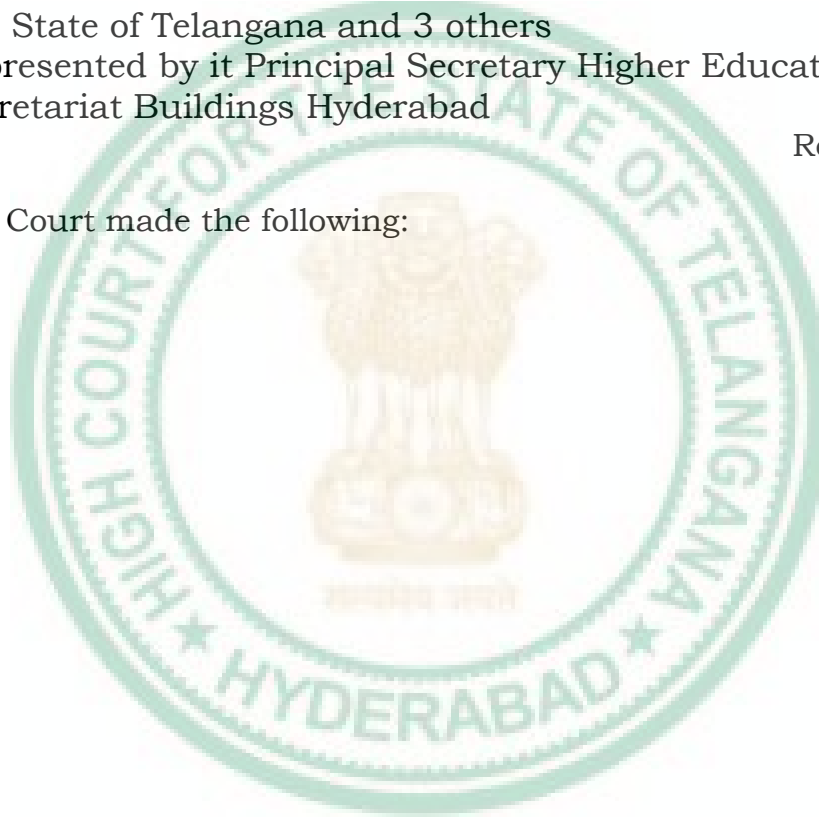
Petitioner

And

The State of Telangana and 3 others
Represented by it Principal Secretary Higher Education CE1
Secretariat Buildings Hyderabad

Respondents

The Court made the following:



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ORAL ORDER:

Heard learned counsel for petitioner and learned Government Pleader for Services I.

2. Petitioner was appointed as Record Assistant on a consolidated pay of Rs.350/- per month in a private management college on 28.2.1984. The said college was taken over by the Government in the year 1987, however, petitioner continued to work on consolidated pay basis till the year 2003. On 28.8.2003, services of the petitioner were regularized as Record Assistant and he continued as such and on attaining the age of superannuation, he retired from service on 31.1.2008.

3. Petitioner claims that on 13.1.2020 he has submitted a representation to the Commissioner, Higher Education to grant pension by computation of past service rendered by him and alleging inaction in considering the same, this writ petition is filed.

4. According to learned counsel for petitioner, so far no decision is made on the said representation. He submits that as petitioner continuously worked from 1984 against a sanctioned post and therefore the entire service ought to have been regularized and be computed for computation of pension payable to him. However, ignoring the past service of the petitioner and by computing the service rendered by him only from the date of regularization, pensionary benefits are not granted holding that he does not have the qualifying service to get pension.

5. Petitioner requires to cross three hurdles to pray to grant direction to respondents to dispose of his representation dated 13.1.2020. Firstly, order of regularization dated 28.8.2003 specifically mentions that regularization was granted from the date of issuance of the order. Petitioner has accepted granting regularization prospectively and has not protested for not granting regularization retrospectively from the date of his initial appointment when the college was under private management; secondly, petitioner retired from service on 31.1.2008 and on the date of retirement, he was aware of the fact that he is not entitled to pension if regularization is treated only from the prospective date and past service is not computed. For the reasons best known to him, he kept quiet and only on 13.1.2020 he submitted a representation. Thirdly, non consideration of the representation stated to have been made on 13.1.2020 does not give rise to cause of action to the petitioner to rush to this Court and claim to direct the respondents to consider his representation. The said representation is not supported by any legal claim for grant of pension by computing the past service and unless the past service is computed, petitioner does not complete minimum service for entitlement to grant pensionary benefits. When claim is not supported by legal framework, no direction to dispose of representation can be granted.

6. In the facts of this case, I do not see any error in not granting pension warranting interference of this Court and to direct respondents to consider his representation. Accordingly, the writ petition is dismissed. Miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE: 06-2-2020
TVK

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