HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE THIRTIETH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO: 11989 OF 2020

Between:

Smt. Rajamma, W/o. Sayamma, Hindu, aged about 60 years, Occ Retired Women Mazdoor, SRSP Project, Pochampad, Nizamabad District, R/o. Pochampad, Nizamabad District.

...PETITIONER

AND

1. The State of Telangana, represented by its Principal Secretary to Government, Irrigation and Command Area Development (Ser.IV) Department, Secretariat Buildings, Hyderabad-500 022.
2. The Superintending Engineer, Irrigation and Command Area Development Department, G.V. Circle No.1, Sriramsagar Project, Nizamabad District.
3. The Executive Engineer, Division No.2, GVC-1, Sriramsagar Project, Pochampad, Nizamabad District

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order or direction, more particularly a Writ of Mandamus declaring the action of the respondents in not paying the pension and other retirement pensionary benefits to the petitioner despite her retirement from service on 30.06.2019 as highly illegal, arbitrary, unjust, in violation of Articles 14 and 21 of the Constitution of India and unconstitutional, and consequently direct the respondents to pay the pension and other retirement pensionary benefits and continue to pay the pension to the petitioner immediately

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents to release the arrears of pension since 1.7.2019 and continue to pay the pension to the petitioner forthwith, pending disposal of the above writ petition

Counsel for the Petitioner: SRI. K.V.RAJENDRA PRASAD

Counsel for the Respondents: GP FOR SERVICES-II

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.11989 of 2020

ORDER:

This writ petition is being disposed of at the admission stage with the consent of both parties.

This writ petition is filed seeking the following relief:

> "…. to issue a writ, order or direction, more particularly a Writ of Mandamus declaring the action of the respondents in not paying the pension and other retirement pensionary benefits to the petitioner despite her retirement from service on 30.06.2019 as highly illegal, arbitrary, unjust in violation of Articles 14 and 21 of the Constitution of India and unconstitutional and consequently direct the respondents to pay the pension and other retirement pensionary benefits and continue to pay the pension to the petitioner immediately….".

Heard Sri K.V.Rajendra Prasad, learned counsel appearing for the petitioner and the learned Government Pleader for Services-II.

It has been contended by the petitioner that she worked as a Woman Mazdoor with the respondents and she has retired from service on attaining the age of superannuation on 30.06.2019. The grievance of the petitioner is that though she has retired on 30.06.2019, the respondents are neither processing her pension papers nor sanctioning pension.

Therefore, learned counsel for the petitioner submitted that appropriate orders be passed in the writ petition directing the respondents to process the pension papers of the petitioner and also sanction pension to the petitioner.

Learned Government Pleader appearing for the respondents submits that Audit authorities have returned the pension file of the

petitioner raising certain objections. However, the respondents are taking steps to re-submit pension papers of the petitioner and the pension papers of the petitioner would be processed within a reasonable period of time, preferably within a period of three months and the pension would be sanctioned to the petitioner in accordance with the Rules.

This Court, having considered the rival submissions made by the learned counsel for the parties, is of the considered view that this writ petition can be disposed of directing the respondents to process the pension papers of the petitioner and also pay pension to the petitioner within a reasonable period of time, preferably within a period of three months from the date of receipt of a copy of this order.

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

Pending miscellaneous petitions, if any, shall stand closed.

SD/-N.CHANDRA SEKHAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Principal Secretary to Government, Irrigation and Command Area Development (Ser.IV) Department, State of Telangana, Secretariat Buildings, Hyderabad-500 022.
2. The Superintending Engineer, Irrigation and Command Area Development Department, G.V. Circle No.1, Sriramsagar Project, Nizamabad District.
3. The Executive Engineer, Division No.2, GVC-1, Sriramsagar Project, Pochampad, Nizamabad District
4. One CC to Sri. K.V.Rajendra Prasad, Advocate [OPUC]
5. Two CCs to GP for Services-II, High Court for the State of Telangana, Hyderabad (OUT)
6. Two CD Copies

Kj.

HIGH COURT

DATED:30/09/2020



ORDER

WP.No.11989 of 2020

DISPOSING OF THE WRIT PETITION WITHOUT COSTS.

SSU
8 Copies
Dt 20/10/2020