

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

**WEDNESDAY, THE TWENTY SECOND DAY OF FEBRUARY
TWO THOUSAND AND TWENTY THREE**

PRESENT

**THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND
THE HONOURABLE SRI JUSTICE PULLA KARTHIK**

WRIT PETITION NO: 13290 OF 2014

Between:

A.Govind Rao, S/o: Venkatachalamaiah, Aged 75 years, Head Master CPS
(Retired) Chitkul Village Kowdipalli Mandal, Medak District, R/o Plot No.64/B,
H.No.5-4-111/2C Kamalanagar, Vanasthalipuram, Hyderabad

...PETITIONER

AND

1. The Dist Educational Officer, Medak District, Sangareddy
2. The Chief Executive Officer, Medak District, Sangareddy
3. The Director of School Education, Government of Andhra Pradesh, Saifabad, Hyderabad.

...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 in the nature of Mandamus or otherwise declaring the action of the respondents in not releasing the terminal benefits, Revised Pay Scales, increments, to the petitioner including full pension the petitioner on superannuation in the cadre of Head Master, CPS, Chitkul, Kowdipalli Mandal, Medak District, as arbitrary, illegal, discriminatory, malafide violating Article 14, 16 and 21 of the Constitution of India, including the orders of the Honorable Tribunal in OA No.3235/2001 dated 04.02.2009 in so far as it relates to confirming the payment of only 75% of provisional pension to the petitioner and set aside the same, and issue consequential directions, directing the respondents to forthwith pay all the terminal benefits, Revised Pay Scales, increments, Arrears of salary and all other monetary benefits including full

pension and all with all consequential benefits to the petitioner w.e.f. the date of superannuation as Head Master, CPS Chitkul, Kowdipalli Mandal, Medak District.

I.A. NO: 1 OF 2014(WPMP. NO: 16627 OF 2014)

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 forthwith release all the terminal benefits, including Revised Pay Scales, Increments etc, including full pension to the petitioner w.e.f. 30.06.1995 in the cadre of Head Master, CPS Chitkul, Kowdipalli Mandal, Medak District, on attaining superannuation, pending disposal of the writ petition.

I.A. NO: 2 OF 2014(WPMP. NO: 16628 OF 2014)

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 hear the writ petition as expeditiously as possible taking into account the peculiar circumstances the petitioner had to undergo in the interest of justice and fair play, as otherwise the petitioner will be put to irreparable loss and injury, pending disposal of the writ petition.

Counsel for the Petitioner: SRI. SALIKITY RAJU

Counsel for the Respondents: GP FOR SERVICES I (TG)

The Court made the following: ORDER

**THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND
THE HON'BLE SRI JUSTICE PULLA KARTHIK**

WRIT PETITION No.13290 OF 2014

ORDER: (per AKS,J)

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner aggrieved by the order, dated 04.02.2009, passed in O.A.No.3235 of 2001 by the Andhra Pradesh Administrative Tribunal, Hyderabad (for short, 'the Tribunal').

2. Heard Sri S. Raju, learned counsel for the petitioner and the learned Government Pleader for Services-I appearing for the respondents.

3. Learned counsel for the petitioner had contended that initially the petitioner was appointed as Secondary Grade Teacher in the year 1955. Subsequently, in April, 1975, he was sent on deputation for training in NCERT, New Delhi. After completion of his training in NCERT, the petitioner came back and reported to duty and he has retired from service on attaining the age of superannuation on 30.06.1995. The grievance of the petitioner is that the respondents are not paying the pension and pensionary benefits payable to him. In those set of circumstances, the petitioner has approached the

Tribunal by filing the subject O.A. and the Tribunal, *vide* order, dated 04.05.2001, was pleased to grant interim order that 'pending further consideration of the O.A., in case there is no disciplinary case pending against the petitioner, the official respondents are directed to release the provisional pension due to the petitioner within six weeks'. Pursuant to the same, the respondents have released 75% of the provisional pension to the petitioner *vide* order, dated 06.10.2001, and the Tribunal *vide* order, dated 04.02.2009, very strangely held that the provisional pension is appropriate pension and came to a conclusion that ends of justice would be met, if provisional pension is continued to be paid to the petitioner and accordingly, dismissed the subject O.A., without appreciating any of the contentions raised by the petitioner.

4. Learned counsel for the petitioner had further contended that when provisional pension is paid to the petitioner, the respondents must finalize the case and regularize the absence period of the petitioner i.e. from 01.01.1974 to 30.06.1995 and pay full pensionary benefits, to which the petitioner is entitled to. Therefore, appropriate orders be passed in the Writ Petition by directing the respondents to finalize the pension and pensionary benefits payable to the petitioner by duly taking into account the fact that the

respondents have regularized the absence period of the petitioner from 01.01.1974 to 30.06.1995, *vide* proceedings, dated 28.12.2001, and release the full pension to which the petitioner is entitled to.

5. On the other hand, the learned Government Pleader appearing for the respondents had contended that the petitioner has not reported to duty from 1974 onwards and his whereabouts were not known and on the representation submitted by the petitioner, the period from 01.01.1974 to 30.06.1995 was regularized without arrears, *vide* proceedings, dated 28.12.2001. If only this Court directs the respondents, the respondents would consider the case of the petitioner and pass appropriate orders, in accordance with law.

6. This Court, having considered the rival submissions made by the learned counsel for the parties, is of the view that since provisional pension is already paid to the petitioner *vide* proceedings, dated 06.10.2001, and subsequently, the absence period from 01.01.1974 to 30.06.1995 was already regularized by the respondents *vide* proceedings, dated 28.12.2001, the respondents are directed to release the full pension and pensionary benefits payable to the petitioner, by duly taking into account the

proceedings, dated 28.12.2001, and pass appropriate orders, in accordance with law.

7. With the above observations, the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

//TRUE COPY//

SD/-N. SRIHARI
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Dist Educational Officer, Medak District, Sangareddy
2. The Chief Executive Officer, Medak District, Sangareddy
3. The Director of School Education, Government of Andhra Pradesh, Saifabad, Hyderabad.
4. One CC to Sri. Salikity Raju, Advocate [OPUC]
5. Two CCs to GP for Services- I (TG) ,High Court for the State of Telangana. [OUT]
6. Two CD Copies

TJ
SW

A

HIGH COURT

DATED:22/02/2023



ORDER

WP.No.13290 of 2014

DISPOSING OF THE WRIT PETITION
WITHOUT COSTS.

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25/04/23
SD