

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

THE HON'BLE SRI JUSTICE PULLA KARTHIK

WRIT PETITION No.4268 OF 2007

ORDER: (per AKS,J)

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioners seeking the following relief:

“... to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus declaring as illegal, arbitrary and discriminatory the action of the Respondents in not according the benefit of deduction of Rs.1500/- per month out of pension accrued in the previous service in accordance with Office Memo No.45/73/97-P&PW(G) dated 02.07.99 issued by the Government of India for fixation of pay on reappointment as was done in the case of Members of Andhra Pradesh Public Service Commission in GO.Ms.No.358, Revenue Department, dated 1.5.2004 and Judicial Members of Special Court, A.P.Land Grabbing (Prohibition) Act in terms of G.O.Ms.No.1314, dated 6.7.2005 and issue consequential directions to the respondents to re-fix the pay of the Petitioners by deducting only Rs.1,500/- from out of pension drawn/drawable from previous service while fixing pay as Members of the A.P. Administrative Tribunal with all consequential benefits arising therefrom and pass such other or further order or orders ...”

2. Heard the learned counsel for the petitioners, learned Government Pleader for Services-III representing the learned Government Pleader for GAD appearing for respondent Nos.1

and 2 and Ms. K. Mani Deepika, learned Standing Counsel for the Central Government, appearing for respondent No.3.

3. Learned counsel for the petitioners had contended that the petitioners are retired employees. They worked as District Judges in A.P. State Judicial Service. The grievance of the petitioners is that on their re-employment as Judicial Members in the Administrative Tribunal, the respondents have deducted the entire pension drawn by them from their previous service, instead of deducting Rs.1,500/- per month in accordance with Office Memorandum No.45/73/97-P&PW(G), dated 02.07.1999, issued by the Government of India. Aggrieved by the said action of the respondents, the present Writ Petition is filed.

4. Learned counsel for the petitioners further contended that in respect of the members of Andhra Pradesh Public Service Commission, who were re-employed, the entire pension amount was not deducted, but in the case of the petitioners, the respondents have arbitrarily deducted the entire pension amount. Therefore, appropriate orders be

passed in the Writ Petition by directing the respondents to deduct only Rs.1,500/- from the pension drawn by the petitioners from their previous service.

5. On the other hand, learned counsel for the respondents had contended that the case of the petitioners would be examined, if the petitioners submit a detailed representation.

6. This Court, having considered the rival submissions made by the learned counsel for the parties, is of the considered view that the Writ Petition can be disposed of by directing the petitioners to submit a fresh representation to the respondents ventilating their grievance i.e., not to deduct the entire pension amount from the previous service benefits drawn by them, within a period of two (2) weeks from the date of receipt of a copy of this order and upon such representation being made, the respondents shall consider the same and pass appropriate orders, in accordance with law.

7. With the above directions, 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.

ABHINAND KUMAR SHAVILI, J

PULLA KARTHIK, J

Date: 01-02-2023.
MD