APHC010139272026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3543]**
(Special Original Jurisdiction)

MONDAY, THE 26th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE NINALA JAYASURYA

THE HONOURABLE SRI JUSTICE T.C.D.SEKHAR

WRIT APPEAL NO: 330 OF 2026

Between:

1. MALLAMMA, W/O A.MUTTANAGOUDA, AGED ABOUT 56 YEARS, RESIDENT OF WARD NO.6, KARATAGI, KOPPAL DISTRICT, KARNATAKA-583229.

...APPELLANT

AND

1. MUTHANNA GOUD, S/O MARI VEERANNA GOUD, AGED ABOUT 66 YEARS. RESIDENT OF D. NO.13/240, OPP HALAMMA GANGAMMA SCHOOL, SANTHE PETA, ADONI, KURNOOL DISTRICT, ANDHRA PRADESH-518301. ...RESPONDENTAA/RIT PETITIONER
2. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, PRISONS AND FIRE SERVICES DEPARTMENT, SECRETARIAT AT VELAGAPUDI, GUNTUR DISTRICT -522237.
3. THE DISTRICT COLLECTOR, KURNOOL DISTRICT, ANDHRA PRADESH - 518001.
4. THE DISTRICT DISASTER AND FIRE OFFICER DFO, 3-1, B-CAMP, NEAR SILVER JUBILEE COLLEGE, KURNOOL DISTRICT, ANDHRA PRADESH. - 518001.
5. THE ASSISTANT DISTRICT DISASTER AND FIRE OFFICER, 3-1, B-CAMP, NEAR SILVER JUBILEE COLLEGE, KURNOOL DISTRICT, ANDHRA PRADESH - 518001.

...RESPONDENT(S):

Counsel for the Appellant:

1. ELURU SESHA MAHESH BABU

Counsel for the Respondent(S):

1. GP FOR SERVICES I
2. M K VISWANATH NAIDU

The Court made the following JUDGMENT: ***(Per NJS,J)***

Appellant/5th respondent in W.P.No.13686 of 2024 filed the present Writ Appeal feeling aggrieved by the Order dated 11.02.2026 of the learned Writ Court.

2) 1st respondent / writ petitioner filed the said Writ Petition *inter alia* seeking directions for release of his pension and retirement/pensionary benefits on attaining the age of superannuation. He was denied the said benefits on the ground of bigamy without considering the dissolution of his 1st marriage as per customary practices. Learned Writ Court after considering the matter, while noting that after issuance of Charge Memo dated 19.05.2020, no enquiry was proceeded against the writ petitioner and the 5th respondent filed a suit in O.S.No.34 of 2020 before the competent Civil Court against the writ petitioner with reference to the said benefits was inclined to dispose of the Writ Petition with a direction to the authorities to release the pensionary benefits to the writ petitioner, with certain observations.

3) Learned counsel for appellant made submissions to impress upon this Court that the order of the learned Writ Court is not sustainable, as the same was passed without appreciating the matter in the correct perspective. He submits that the observations made by the learned Writ Court with reference to O.S.No.34 of 2020, will not enure to the benefit of the appellant as it would be difficult to take steps for recovery of the amounts, once the pensionary benefits are released to the 1st respondent

/ writ petitioner. He also submits that the said suit was filed in Karnataka and due to some communication gap the same was dismissed for default, that application seeking restoration of the suit is pending. While not disputing the registered partition deed dated 02.04.2014, partitioning the properties between the appellant and the 1st respondent / writ petitioner, he however, contends that there is no mention with regard to the pensionary benefits to which the appellant is entitled to a share and therefore, learned Writ Court was not right in ignoring the said aspect. Making the said submissions, learned counsel seeks to allow the appeal by setting aside the order under challenge.

4) On the other hand, learned arguing counsel Mr.Kondeti Ashok, representing the 1st respondent/writ petitioner made submissions to sustain the impugned order. Referring to the properties, which are subject matter of registered partition deed dated 02.04.2014, he submits that in view of divorce agreement in terms of the customary practice with the 1st wife, writ petitioner executed the registered partition deed, whereby substantial properties were given to the appellant herein. Be that as it may. The appellant is not entitled to any benefits which are purely personal for the services rendered by an employee. In view of the settlement already arrived at between the parties and even otherwise, the appellant is not entitled for any relief. Further, there are no merits in the present appeal. Accordingly, he urges for dismissal of the same.

5) This Court has considered the submissions made and perused the material on record. At the outset, it is pertinent to emphasize that the learned Writ Court passed order under challenge after giving due opportunity to both sides. Appellant / 5th respondent in the Writ Petition, for the reasons best known, did not file any counter affidavit denying the specific assertions made in the writ affidavit, which is fatal and amounts to admission of the factual assertions with regard to the divorce between the appellant and the 1st respondent/writ petitioner and the execution of registered partition deed dated 02.04.2014 between the parties. Be that as it may.

6) Admittedly, the appellant instituted a suit in O.S.No.34 of 2020 in the Court of the Civil Judge (Junior Division) at Gangavati, Karnataka State and the same was dismissed for non-prosecution. It appears that an application seeking restoration of the suit was filed. In the event of restoration of the suit, the appellant's entitlement to the retirement benefits as claimed in the said suit may be adjudicated in accordance with law. Further, the submission that the appellant may not be in a position to recover the amounts in the event of succeeding in the suit is far fetched and merits no appreciation.

7) This Court see no illegality, much less good ground to interfere with the order in the present intra Court Appeal. In such view of the matter, the Writ Appeal is dismissed. No costs.

8) Consequently, the Miscellaneous Applications pending, if any, shall also stand dismissed.

NINALA JAYASURYA,J

T.C.D.SEKHAR,J

Date:26.10.2026
Ssv

Whether the order is :

Speaking Yes/No / Reasoned Yes/No

Reportable Yes/No / Non-Reportable Yes/No

THE HONOURABLE SRI JUSTICE NINALA JAYASURYA

THE HONOURABLE SRI JUSTICE T.C.D.SEKHAR

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