Date of reserved for orders : 10.10.2026
Date of pronouncement : 04.11.2026
Date of uploading : 11.11.2026

APHC010235602024

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)

WEDNESDAY, THE 04th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

WRIT PETITION NO: 12049 OF 2024

Between:

1. A.N, Gowreesan, S/o A. Namasivaya Mudaliar, Age 68 years, Retired Lecturer In Textiles, Office of the Indian Institute of Handloom Technology, Venkatagiri, Tirupathi District, Andhra Pradesh, Presently residing at Pallipattu Taluk, Thiruvallur District, Tamilnadu State.

...Petitioner

AND

1. The Commissioner of Handlooms and Textiles, Government of Andhra Pradesh, Mangalagiri, Andhra Pradesh

2. The Officer on Special Duty, SKPM IIHT, Venkatagiri, Tirupati District.

3. The State of Andhra Pradesh, Represented by its Additional Secretary to Government, Industries and Commerce (Estt) Department, AP Secretariat, Velagapudi, Amaravati Guntur District, Andhra Pradesh.

4. The State of Andhra Pradesh, represented by its Chief Secretary to Government AP Secretariat, Velagapudi, Amaravati Guntur District, Andhra Pradesh

...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 grant appropriate relief more in the nature of Writ of Mandamus under Article 226 of the Constitution of India declaring the Proceedings

Rc.No.2021/2020-El dated 06.10.2023 issued by the 1st respondent and consequential proceedings Rc.No.201/2012-A dated 11.10.2023 issued by the 2nd respondent as well as the Memo No.2280861/Estt./A2/2023 dated 01.12.2023 issued by the 3rd respondent as arbitrary, illegal, malafide, discriminatory, void and without jurisdiction and unconstitutional violating Articles 14, 16 and 21 of the Constitution of India and set aside the same and issue consequential direction directing the respondents to forthwith restrain from implementing Proceedings Rc.No.2021/2020-E1 dated 06.10.2023 issued by the 1st respondent and consequential proceedings Rc.No.201/ 2012-A dated 11.10.2023 issued by the 2nd respondent as well as the Memo No.2280861/Estt./A2/2023 dated 01.12.2023 issued by the 3rd respondent and pass

IA NO: 1 OF 2024

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 suspend the operation of the Proceedings Rc.No.2021/2020-E1 dated 06.10.2023 issued by the l respondent and consequential proceedings Rc.No.201/ 2012-A dated 11.10.2023 issued by the 2 respondent as well as the Memo No.2280861/Estt./A2/ 2023 dated 01.12.2023 issued by the 3rd respondent, pending disposal of the Writ Petition.

IA NO: 2 OF 2024

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 vacate the interim orders dated 20.06.2024 in W.P.No.12049 of 2024 and dismiss the Writ Petition with costs and pass

Counsel for the Petitioner: P V KRISHNAIAH

Counsel for the Respondents: GP FOR SERVICES I

The Court made the following order:

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

WRIT PETITION NO: 12049 OF 2024

ORDER:

1. The present Writ Petition is filed challenging the proceedings in Rc.No.2021/2020-E1, dated 06.10.2023, and the consequential proceedings in Rc.No.201/2012-A, dated 11.10.2023, issued by respondent No.2, as well as Memo No.2280861/Estt./A2/2023, dated 01.12.2023, issued by respondent No.3, whereby petitioner was directed to submit revised pension proposals and payment of pension was ordered to be stopped pending submission of the revised pension papers, apart from seeking recovery of the alleged excess pension paid to the petitioner.

2. Brief facts of the case are that:

Petitioner was initially appointed on 14.11.1985 after acquiring B.Sc. with BHT qualification and subsequently served as Lecturer (Textiles) at Sri Pragada Kotaiah Indian Institute of Handloom Technology, Venkatagiri, Nellore District. Pursuant to the judgment dated 25.01.2006 in O.A.No.3072 of 2000 and batch, the Government issued G.O.Ms.No.209, dated 01.09.2009, absorbing the petitioner as Lecturer (Textiles). Subsequently, proceedings dated 16.11.2010 sanctioned special grade increments upon completion of 8/16 years of service. Petitioner retired on 31.12.2012, and his pay, pension and retirement benefits were duly fixed and sanctioned, with pension confirmed by the Principal Accountant General (A&E), Andhra Pradesh. In 2023, an

unidentified person claiming to represent the Handloom Council alleged irregular grant of retrospective benefits and sought recovery of amounts and stoppage of pension. Consequently, respondent No.3 issued a memo dated 01.12.2023 directing an enquiry. Earlier, proceedings dated 06.10.2023 directed revision of petitioner's pension on the ground that G.O.Ms.No.209 had prospective effect. Accordingly, respondent No.2 issued proceedings dated 11.10.2023 requiring a revised pension proposal with effect from 01.09.2009. Respondents insisted on an enquiry and revised pension proposal without following due process or the principles of natural justice under Rule 20 of the CCA Rules, despite petitioner's retirement in 2012. The impugned proceedings seek to reopen settled pay and pensionary benefits after more than a decade, contrary to the settled principles governing recovery of excess payments from retired employees. The proceedings, issued without citing specific legal authority or following due process, cause undue hardship and allegedly violate the petitioner's rights under Articles 14, 16 and 21 of the Constitution of India.

3. Respondents 1, 3 and 4 filed a counter affidavit contending that petitioner was initially appointed on deputation in 1992 and was absorbed as Lecturer (Textiles) pursuant to G.O.Ms.No.209 dated 01.09.2009, which, has only prospective effect. The special grade scales claimed by petitioner were not sanctioned under the proceedings dated 16.11.2010, contrary to his

contention. Petitioner's pension was erroneously calculated by including service rendered before absorption, resulting in excess sanction of pensionary benefits. Based on a complaint and the Accountant General's communication dated 21.06.2023, an enquiry was conducted, which found that pension should be revised by reckoning service only from 01.09.2009. Respondents deny violating the principles of natural justice and contend that petitioner was neither compelled to submit revised pension proposals nor entitled to pensionary benefits for his pre-absorption service. They further contend that erroneous payments can be recovered and that the impugned proceedings were issued in accordance with G.O.Ms.No.209 and the applicable Pension Rules. Accordingly, respondents seek vacation of the interim order dated 20.06.2024 and dismissal of the writ petition with costs.

4. Heard Sri S. Karunakar, learned counsel, representing Sri P.V.Krishnaiah, learned counsel for petitioner and Ms. Bokka Sameera, learned Assistant Government Pleader.

5. Learned counsel for petitioner submits that petitioner was appointed on 14.11.1985 and was subsequently deputed to the Indian Institute of Handloom Technology. Pursuant to the orders dated 25.01.2006 passed by the Andhra Pradesh Administrative Tribunal in O.A.No.3072 of 2000, petitioner’s services were absorbed into the Indian Institute of Handloom Technology vide G.O.Ms.No.209, dated 01.09.2009, as Lecturer (Textile). Petitioner retired from service on 31.12.2012, upon attaining the age of superannuation. Thereafter, petitioner submitted his pension papers, and his pension was

sanctioned by taking his initial date of appointment into consideration for determining his pensionary benefits. Subsequently, the authorities, taking the view that the aforesaid Government Order provided for absorption under the provisions of Act 14 of 1997, directed the petitioner to submit revised pension proposals by treating 01.09.2009, the date of his absorption, as the relevant date. The authorities also initiated proceedings for stoppage of pension on the ground that it had been erroneously fixed and for recovery of the alleged excess pension paid to petitioner. Aggrieved thereby, petitioner filed the present Writ Petition challenging the said proceedings. This Court, by order dated 20.06.2024, suspended the impugned proceedings and directed the authorities to continue payment of pension to petitioner at the rate at which it was being paid prior to the issuance of the impugned proceedings, without any interruption, until further orders, subject to the outcome of the Writ Petition.

6. Learned counsel for petitioner places reliance on the judgment of the Hon'ble Supreme Court in ***State of Punjab v. Rafiq Masih***[1]***,*** with regard to the impermissibility of recovery of excess payments made to an employee in the absence of fraud or misrepresentation. It is further submitted that this Court, in W.P.No.13759 of 2024, while considering the issue of absorption in the very same institution, held that the date of initial appointment was required to be considered for the purpose of determining the date of absorption and the consequential service benefits.

[1] (2015) 4 SCC 334

7. In view of the aforesaid decision, this Court is of the considered view that respondents cannot treat the date of issuance of the Government Order as the date of absorption for the purpose of determining petitioner's pensionary benefits. Further, the alleged erroneous fixation of pension, by itself, does not justify recovery of the amounts already paid to petitioner, particularly in the absence of fraud or misrepresentation on the part of petitioner.

8. For the foregoing reasons, the impugned proceedings are unsustainable and are liable to be set aside. Accordingly, the impugned proceedings are hereby set aside, and respondents are directed to continue payment of pension to petitioner in terms of the interim order dated 20.06.2024.

9. Accordingly, the Writ Petition is ***allowed***. No order as to costs.

As a sequel, pending miscellaneous applications, if any, shall stand closed.

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JUSTICE BALAJI MEDAMALLI

Date: 04.11.2026
SAK

Whether the order is:

Speaking	☑	Reasoned	☑
Reportable		Non-reportable	☑

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

WRIT PETITION NO: 12049 OF 2024

Date: 04.11.2026

SAK