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APHC010273212024

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: 13795 OF 2024

Between:

1. G HARINADHA BABU, S/o Venkateswarlu, Aged about 62 years, Occ Retired Demonstrator (Dyeing) in SPKMIIHT Venkatagiri, R/o D. No. 5-187, Anumalli Peta, Guttivari Street, Desaipet Panchayat, Vetapaiem Mandal, Chirala, Bapatia District.

...Petitioner

AND

1. THE STATE OF ANDHRA PRADESH, Rep., by Its Chief Secretary to Government Secretariat Buildings, Velagapudi, Amaravathi, Guntur District.

2. The Additional Secretary to the Government Industries and Commerce ESTT Department, Secretariat, Velagapudi, Amaravathi.

3. The Commissioner of Handlooms and Textiles, Government of Andhra Pradesh, Mangalagiri, Guntur District.

4. The Officer on Special Duty, SPKM Indian Institute of Handloom Technology, Venkatagiri, Tirupathi District.

5. The Principal Accountant General, (A and E) of State of Andhra Pradesh, Vijayawada.

...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 Writ order or direction more particularly one in the nature of Writ of Mandamus declare the action of the respondents in not disbursing the Pension to the petitioner who retired from service on 31.03.2024 and there by the 3rd respondent issued proceedings vide Rc.No.2021/2020-El dated 31.05.2024 considering the absorption of the petitioner into Pragada Kotaiah Memorial Indian Institute of Handloom Technology, Venkatagiri with effect from 01.09.2009 as illegal, arbitrary, discriminatory of and violation of Article 14, 16 and 21 of Constitution of India and consequently direct the respondents to pay the pension to the petitioner and to consider his appointment from 14.08.1992 and pass such

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 direct the respondents to receive the pension applications and proceed in accordance with G.O.Ms. No.156 Fin & Pig (FWPEN-I) Department dated 29.04.1983 subject to outcome of the Writ Petition and pass such

Counsel for the Petitioner: V HIMABINDU

Counsel for the Respondents: GP FOR SERVICES I

The Court made the following order:

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

WRIT PETITION NO: 13795 OF 2024

ORDER:

1. The Writ Petition is filed for the following relief:

> *"……..to issue Writ order or direction more particularly one in the nature of Writ of Mandamus declare the action of the respondents in not disbursing the Pension to the petitioner who retired from service on 31.03.2024 and there by the 3rd respondent issued proceedings vide Rc.No.2021/2020-E1 dated 31.05.2024 considering the absorption of the petitioner into Pragada Kotaiah Memorial Indian Institute of Handloom Technology, Venkatagiri with effect from 01.09.2009 as illegal, arbitrary, discriminatory of and violation of Article 14, 16 and 21 of Constitution of India and consequently direct the respondents to pay the pension to the petitioner and to consider his appointment from 14.08.1992……"*

2. Heard Sri V. Venugopal Rao, learned senior counsel for petitioner and Ms. Bokka Sameera, learned Assistant Government Pleader.

3. Brief facts of the case are that:

(i) Petitioner was appointed as Junior Technical Assistant in the Andhra Pradesh State Textiles Processing Factory, Hyderabad, on 30.10.1985. Pursuant to the request dated 12.10.1991 issued by the Commissioner of Handlooms and Director of Handlooms and Textiles, petitioner expressed willingness to serve on deputation at the Indian Institute of Handloom Technology, Venkatagiri. He was selected as Demonstrator (Dyeing) for an initial period of two years and joined the

institution on 14.08.1992 pursuant to the posting orders dated 09.08.1992.

(ii) On 15.07.1994, petitioner and other deputationists sought absorption into the institution's service. Upon the issuance of the Indian Institute of Handloom Technology Service Rules, 1999, petitioner approached the Andhra Pradesh Administrative Tribunal in O.A. No. 3076 of 2000, seeking absorption with consequential benefits. By order dated 25.01.2006, the Tribunal directed the respondents to consider his request. Accordingly, the Commissioner for Handlooms and Textiles, by proceedings dated 12.02.2009, recommended absorption, having regard to petitioner's qualifications, length of service, experience and satisfactory performance. Pursuant thereto, the Government issued G.O.Ms.No.209, Industries and Commerce (TEX) Department, dated 01.09.2009, absorbing the petitioner and two other employees into the service of Sri Pragada Kotaiah Memorial Indian Institute of Handloom Technology, Venkatagiri.

(iii) Petitioner attained the age of superannuation on 31.03.2024 and submitted his pension proposals. Respondent No.4 returned the proposals, stating that his service was reckonable only from 01.09.2009, the date of absorption. Despite petitioner's representation citing the grant of pension to a similarly situated employee by reckoning service from the date of deputation, respondent No.3, by proceedings dated 31.05.2024 in Rc.No.2021/2020-E1, rejected his

claim, holding that G.O.Ms.No.209 dated 01.09.2009 operated prospectively. The said proceedings are impugned in the present writ petition.

4. Learned senior counsel for petitioner contends that petitioner had continuously served the respondent No.3 institution since 14.08.1992 and that the delay in absorption, despite his representation dated 15.07.1994, cannot deprive him of pensionary benefits for the preceding service. He placed reliance on G.O.Ms.No.156, Finance and Planning (FWPEN-I) Department, dated 29.04.1983, which permits the counting of pre-absorption service of full-time contingent employees, subject to the conditions stipulated therein, for pensionary purposes. The impugned proceedings, having disregarded the applicable Government orders and the claim of parity, are arbitrary, illegal and unconstitutional.

5. Respondents No.1 to 3 filed a counter-affidavit contending that petitioner, initially appointed as Demonstrator (Dyeing) at SPKM IIHT, Venkatagiri, on deputation, joined duty on 14.08.1992. Pursuant to the orders of the Andhra Pradesh Administrative Tribunal in O.A. No.3076 of 2000, the Government issued G.O.Ms.No.209, Industries and Commerce (TEX) Department, dated 01.09.2009, absorbing the petitioner and two others with effect from that date. It is further contended that, as the absorption orders operate prospectively, petitioner is not entitled to count his deputation service from 1992 for Special Grade Scale and Special Promotion Post-I benefits, as clarified in Memo dated 16.11.2010. Following his retirement on 31.03.2024,

he was directed to submit a revised pension proposal reckoning his service from 01.09.2009. Accordingly, respondents denied the allegations of arbitrariness and discrimination and sought dismissal of the writ petition as devoid of merit.

6. Learned senior counsel for petitioner submitted that petitioner was appointed as Junior Technical Assistant in the Andhra Pradesh State Textiles Processing Factory, Hyderabad, on 30.10.1985. By letter dated 12.10.1991, the Commissioner of Handlooms and Director of Handlooms and Textiles, Andhra Pradesh, requested the Managing Director of the Andhra Pradesh State Handloom Weavers Co-operative Society Limited, Hyderabad, to furnish the biodata of technical personnel for consideration for deputation to the Government. Pursuant thereto, petitioner and other employees of the said Society were deputed to respondent No.3 organization to work at the Indian Institute of Handloom Technology, Venkatagiri, initially for a period of two years. Petitioner was accordingly appointed as Demonstrator (Dyeing). While serving on deputation, petitioner, along with other similarly placed employees, submitted a representation dated 15.07.1994 seeking absorption into the services of the Institute. During the pendency of their request, the Institute issued a recruitment notification, which prompted petitioner and others to approach the Andhra Pradesh Administrative Tribunal by filing O.A.No.3076 of 2000, seeking a direction to respondents to absorb them as Demonstrators (Dyeing), with all consequential benefits. By order dated 25.01.2006, the Tribunal disposed of the said Original Application, directing the respondents to

consider petitioner's request for absorption. Pursuant to the Tribunal's order, the Government issued G.O.Ms.No.209, Industries and Commerce (TEX) Department, dated 01.09.2009, absorbing petitioner and two other employees into the services of the Indian Institute of Handloom Technology, Venkatagiri. Petitioner continued in service until his superannuation on 31.03.2024. Upon retirement, petitioner submitted his pension papers in the prescribed format to the Officer on Special Duty, SPKM-IIHT. However, respondent No.4 returned the pension proposals, directing him to submit revised proposals on the ground that his services could be considered only with effect from 01.09.2009, the date of his absorption, and that his service from 14.08.1992 could not be taken into account. Petitioner thereafter requested respondent No.3 to extend to him the same benefit as had been accorded to similarly situated employees, whose services had been reckoned from 14.08.1992. By proceedings dated 31.05.2024, respondent No.3 rejected petitioner's claim for pension, holding that his absorption took effect only from 01.09.2009 and that G.O.Ms.No.209, dated 01.09.2009, could not be given retrospective effect. Aggrieved by the said proceedings, petitioner has filed the present writ petition.

7. Learned senior counsel appearing for petitioner submits that as already stated, petitioner was initially appointed as Technical Assistant in the A.P. State Textiles Processing Factory on 30.10.1985 and was subsequently deputed to work at the Indian Institute of Handloom Technology. Following a further selection process, he was appointed in the Institute on 25.07.1992. As

no occasion for his absorption arose at that stage, he continued to serve in the Institute. When the Institute initiated fresh recruitment, petitioner and other similarly situated employees approached the Administrative Tribunal. Pursuant to the directions issued by the Tribunal, Government absorbed petitioner into the services of the Institute vide G.O.Ms.No.209, dated 01.09.2009. Learned senior counsel further submits that the said Government Order does not specify the date from which petitioner's absorption would take effect. Petitioner, having served in the regular post from 1985 onwards and joined the Institute on 25.07.1992, submitted his pension proposals upon retirement, seeking consideration of his service in the Institute with effect from 14.08.1992. However, the authorities returned the proposals, directing him to submit revised pension proposals by treating 01.09.2009, the date of issuance of the Government Order, as the date of his appointment for the purpose of determining his pensionary benefits.

8. In the counter, respondents reiterated that petitioner's services were regularized with effect from 01.09.2009 pursuant to G.O.Ms.No.209, dated 01.09.2009. They contend that, in the absence of any specific provision in the said Government Order giving retrospective effect to the regularization, the date of its issuance must be treated as the effective date of regularization. Petitioner was initially appointed as Technical Assistant in the A.P. State Textiles Processing Factory on 30.10.1985. Subsequently, the Commissioner of Handlooms and Director of Handlooms and Textiles, Andhra Pradesh, utilized his technical services at the Indian Institute of Handloom Technology,

where he was appointed as Demonstrator (Dyeing) in 1992. Pursuant to the directions issued by the Andhra Pradesh Administrative Tribunal, Government absorbed petitioner into services of the Institute vide G.O.Ms.No.209, dated 01.09.2009. However, the said Government Order not specified the date from which the absorption would take effect. Petitioner contends that, having been a regular employee of another wing of the State establishment and having been deputed to the Institute in view of his technical qualifications, his service in the Institute since 1992 cannot be disregarded for the purpose of determining his pensionary benefits merely because the formal order of absorption was issued in 2009. It is further contended that respondents had considered the case of one A.N. Gowreesan, who was deputed to the Institute in 1991, by taking his service into account with effect from 1992 for the purpose of determining his pensionary benefits. However, in petitioner's case, respondents treated 01.09.2009, instead of 25.07.1992, as the date of absorption while processing his pension claim. The proceedings relating to A.N. Gowreesan were challenged before this Court in W.P.No.12049 of 2024. In the said writ petition, this Court passed an interim order directing the respondents to continue payment of pension until further orders, and the said writ petition is pending.

9. As stated above, petitioner was a regular employee of his parent establishment before his services were utilized by respondents at the Indian Institute of Handloom Technology. Pursuant to a selection process, he was appointed as Demonstrator (Dyeing) in the Institute in 1992, and posting

orders were issued on 14.08.1992. He continued to serve in the Institute until his superannuation. Government subsequently issued G.O.Ms.No.209, dated 01.09.2009, ordering petitioner's absorption into the services of the Institute. However, the said Government Order does not specify the date from which the absorption would take effect. Petitioner contends that, since his appointment pursuant to the selection process took place in 1992 and he continued to serve in the Institute thereafter, his service for the purpose of determining pensionary benefits ought to be considered from the date of his initial appointment, rather than from the date of issuance of the absorption order. Petitioner accordingly submitted his pension proposals seeking consideration of his service with effect from 14.08.1992. However, respondents returned the proposals, directing him to treat 01.09.2009 as the date of absorption. In view of petitioner's appointment and continuous service in the Institute since 1992, the mere issuance of the formal absorption order in 2009 cannot, by itself, justify excluding his earlier service for the purpose of determining pensionary benefits.

10. In the circumstances, the writ petition is ***allowed***, and the proceedings dated 31.05.2024, whereby petitioner's pension proposals were returned with a direction to treat 01.09.2009 as the date of absorption, are unsustainable and hereby set aside. Respondents are directed to process petitioner's pension proposals by treating 14.08.1992 as the date of absorption for the purpose of determining his pensionary benefits and to settle all consequential

pensionary benefits within a period of three (03) months from the date of receipt of a copy of this order. No order as to costs.

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

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: 13795 OF 2024

Date: 04.11.2026

SAK