*** THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI**

+W.P.NO. 20486 OF 2024

% 04.11.2026

#Between:

P China Venkateswara Rao

…… Petitioner

$And:

The State of A.P & others

… Respondents

!Counsel for Petitioner : Sri Sri Kondaveeti Ravi, learned senior counsel assisted by Sri Hemanth Kumar,

^Counsel for the Respondents : Ms. Bokka Sameera, learned Assistant Government Pleader for Services-IV appearing on behalf of respondents No.1 to 5.

Ms. Chandu Bala Anupama, learned counsel representing Sri Y. Koteswara Rao, learned standing counsel for respondents No.6 and 7

<Gist:

>Head Note:

? Cases referred:

1. (1996) 7 SCC 113
2. 2026 SCC OnLine SC 909
3. 2024 SCC OnLine SC 3826
4. 2025 SCC OnLine SC 221
5. 2025 SCC OnLine SC 1735
6. 2026 INSC 99
7. (1983) 1 SCC 305
8. 2010 SCC OnLine AP 266

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

****

W.P.NO. 20486 OF 2024

P China Venkateswara Rao

…… Petitioner

And:

The State of A.P & others

….Respondents

DATE OF ORDER RESERVED	**:**	**16.10.2026**
DATE OF ORDER PRONOUNCED	**:**	**04.11.2026**
DATE OF ORDER UPLOADED	**:**	**12.11.2026**

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE BALAJI MEDAMALLI

1. Whether Reporters of Local newspapers may be allowed to see the Order? Yes/No

2. Whether the copies of order may be marked to Law Reporters/Journals? Yes/No

3. Whether Your Lordships wish to see the fair copy of the Order? Yes/No

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JUSTICE BALAJI MEDAMALLI

Date of reserved for orders : 16.10.2026
Date of pronouncement : 04.11.2026
Date of uploading : 12.11.2026

APHC010401432024

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: 20486 OF 2024

Between:

1. P CHINA VENKATESWARA RAO, S/o Gopaiah, Aged about 63 years, Bill Collector (Retired) Gram Panchayat, Vissannapet, Vissannapet Mandal, NTR District (erstwhile Krishna District)

...Petitioner

AND

1. THE STATE OF AP, represented by its Principal Secretary, Panchayat Raj and Rural Development Department, Secretariat Buildings, Velagapudi, Guntur District.

2. The Commissioner of Panchayat Raj, Andhra Pradesh, Suryaraopet, Vijayawada, NTR District.

3. The District Gram Panchayat Officer, NTR District (Erstwhile Krishna District) Gollapudi, Vijayawada

4. Divisional Panchayat Officer, Tiruvuru Division (erstwhile Nuzvid Division) NTR District

5. District Audit Officer, State Audit, NTR District

6. Mandal Parishad Development Officer, Mandal Parishad, Vissannapeta, N.T.R District.

7. Gram Panchayat, Vissannapet Vissannapet Mandal, NTR District (Erstwhile Krishna District) represented by its Panchayat Secretary.

...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, more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in not processing the pension papers of the petitioner for sanction of pension and other retirement benefit is wholly illegal, arbitrary and violative of Articles 14, 16 and 21 of the Constitution of India and consequently declare that the Petitioner is entitled for pension and other retirement benefits with interest 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 direct the Respondents to process the pension papers of the Petitioner for sanction of pension and other retirement benefits and pass

Counsel for the Petitioner: HEMANTH KUMAR VEMURI

Counsel for the Respondents: GP FOR SERVICES IV

Counsel for the Respondents: G SRINIVASULA REDDY

(SC FOR ZPP MPP AND GP SERVICES)

The Court made the following order:

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

WRIT PETITION NO: 20486 OF 2024

ORDER:

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

> *"……..to issue a Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in not processing the pension papers of the petitioner for sanction of pension and other retirement benefit is wholly illegal, arbitrary and violative of Articles 14, 16 and 21 of the Constitution of India and consequently declare that the Petitioner is entitled for pension and other retirement benefits with interest……."*

2. The facts of the case, as narrated by petitioner in the writ petition, are briefly set out hereunder:

(i) Petitioner was appointed as Junior Assistant-cum-Bill Collector in Vissannapet Gram Panchayat on 01.04.1988 on a temporary basis. His services were regularized with effect from 07.10.1996 vide Proceedings Roc.No.4402/95, dated 19.08.1996, issued by the District Panchayat Officer, Krishna, Machilipatnam. The benefits of the Revised Pay Scales of 1998, 2005 and 2010 were extended to petitioner only in 2014. The Revised Pay Scales, 2015, were implemented in his case on 03.02.2015.

(ii) Respondents withheld the petitioner's salary from October 2015, citing recoveries, including PRC arrears, despite his continuous discharge of duties. Even after he deposited the demanded amounts, his salary remained unpaid. Consequently, he filed O.A.No.366 of 2019 before the A.P. Administrative Tribunal and thereafter W.P.No.5144 of 2019 before this Court. By an interim order dated 24.04.2019, this Court

directed payment of salary. As respondents failed to comply, petitioner filed C.C.No.384 of 2021, following which his withheld salaries were paid.

(iii) Petitioner retired from service on 28.02.2021 upon attaining the age of superannuation. He submitted representations dated 07.02.2021 and 06.08.2024 seeking sanction of pension and other retirement benefits. However, respondents failed to sanction the same. By endorsement dated 29.08.2024, the District Gram Panchayat Officer, NTR District, stated that the matter would be subject to the outcome of W.P.No.5144 of 2019 and C.C.No.384 of 2021. Petitioner submits that the pendency of these proceedings does not prevent sanction of his pension and retirement benefits. No charge memo has been issued against him till date.

(iv) G.O.Ms.No.100, Finance (HR.III Pension-I) Department, dated 27.06.2018, provides for timely processing of pension proposals, preferably three months before retirement. Despite petitioner's retirement on 28.02.2021, respondents have failed to process his pension papers, stating that orders from the concerned officers are awaited.

(v) Petitioner has no other source of income and is facing severe financial hardship due to the non-sanction of pension and retirement benefits. He has exhausted the financial assistance available from friends and relatives. Respondents' failure to process and sanction the petitioner's pension and retirement benefits, despite his retirement on

28.02.2021, is arbitrary and unreasonable and, as contended by petitioner, violative of Articles 14, 16 and 21 of the Constitution of India.

3. Respondent No.3 filed a counter affidavit contending that petitioner was initially appointed as a temporary Bill Collector on 01.04.1988 and subsequently absorbed as a Full-Time Bill Collector on temporary basis on 19.08.1996. His services were not regularized under G.O.Ms.No.212, dated 22.04.1994, and he retired on attaining the age of superannuation on 28.02.2021.It was further contended that discrepancies involving house tax collections and excess payment of PRC arrears were noticed, and petitioner was directed to remit the amounts due to the Gram Panchayat, which he subsequently deposited. Petitioner challenged the proceedings relating thereto in O.A.No.366 of 2019. Pursuant to the interim orders dated 24.04.2019 in W.P.No.5144 of 2019, his monthly salary was paid, and C.C.No.367 of 2019 was closed on 13.03.2020.It was further contended that, pursuant to G.O.Ms.No.142, dated 27.08.2018, and G.O.Rt.No.121, dated 20.02.2020, petitioner was extended the minimum time scale and posted as a Full-Time Bill Collector against an existing vacancy, with effect from the prospective date. His salary was thereafter paid through the MPDO under Head of Account 010.Petitioner was neither regularised nor granted provincialised status and was only extended the minimum time scale under G.O.Ms.No.142, dated 27.08.2018. Accordingly, petitioner was not entitled to pension or pensionary benefits, and the writ petition was liable to be dismissed.

4. Respondent No.7 filed a counter affidavit reiterating the averments made by Respondent No.3. Hence, the same are not reproduced herein to avoid repetition.

5. Learned counsel for petitioner, in the reply affidavit, contended that petitioner was appointed in 1988 and absorbed against a clear sanctioned vacancy as Junior Assistant-cum-Bill Collector in 1996, in the prescribed time scale, and was granted annual increments and revised pay scales until his retirement on 28.02.2021. Notwithstanding the respondents' assertion that his services were not regularized, his long and continuous service in a sanctioned post entitles him to pension and other retirement benefits under Rules 13 and 14 of the A.P. Revised Pension Rules, 1980. It is further contended that the amount allegedly due towards house tax collections and excess PRC arrears was deposited under coercion to avoid disciplinary proceedings, without admission of liability, and that no charge memo was issued against him. The earlier proceedings concerning payment of salary have been disposed of and do not preclude consideration of his pension claims. Petitioner, therefore, sought a direction to respondents to sanction pension and other retirement benefits by reckoning his qualifying service from the date of initial appointment.

6. Heard Sri Kondaveeti Ravi, learned senior counsel assisted by Sri Hemanth Kumar, learned counsel for petitioner, Ms. Bokka Sameera, learned Assistant Government Pleader for Services-IV appearing on behalf of respondents No.1 to 5 and Ms. Chandu Bala Anupama, learned counsel

representing Sri Y. Koteswara Rao, learned standing counsel for respondents No.6 and 7.

7. The contention of petitioner is that, his services were absorbed against an existing vacancy in the full-time post of Bill Collector vide Proceedings No.4402/95 Pts.1, dated 19.08.1996, in the pay scale of Rs.1592-30-1625-40-1825-50-2075-60-2375-75-2750-90-3020, with usual allowances. Accordingly, he claims that his services stood regularized with effect from the said date and that he is entitled to all consequential benefits, including pensionary benefits. Respondents' failure to sanction his pension and other retirement benefits is, therefore, alleged to be illegal, arbitrary, and violative of Articles 14, 16 and 21 of the Constitution of India.

8. A plain reading of the proceedings dated 19.08.1996 indicates that petitioner was initially appointed as a part-time employee and served in various categories in the Gram Panchayats in Krishna District for about ten years. In view of the available vacancies in the time-scale posts of Bill Collectors, Attenders, Sweepers, Librarians and Tank Watchers etc., seniority lists of part-time employees who had completed more than five years of service were prepared to facilitate the smooth day-to-day administration of the Gram Panchayats. Based on such seniority lists, eligible employees were absorbed against available vacancies in the time-scale posts of Bill Collectors. In the said process, petitioner, who was working as a part-time Junior Assistant, was absorbed into full-time post of Bill Collector in the applicable time scale of pay.

9. Learned senior counsel for petitioner contends that such absorption amounts to regularization of petitioner's services in the cadre of Bill Collector by competent authority, i.e., the District Panchayat Officer, through the aforesaid proceedings. Accordingly, petitioner claims the status of a regular employee and entitlement to all consequential benefits, including pension and other retirement benefits.

10. Learned senior counsel for petitioner further submits that petitioner was granted successive pay revisions in accordance with the revised pay scales from time to time, along with annual increments. It is, therefore, contended that petitioner cannot be treated as a temporary employee, as his services had already been regularized in 1996. Respondents cannot now turn around and contend that he was merely a full-time temporary employee and deny him pensionary and other retirement benefits.

11. Respondents, in their counter-affidavit, contend that, pursuant to G.O.Rt.No.121, dated 20.02.2020, petitioner was extended the minimum time scale and posted as a full-time Bill Collector. Thereafter, he received his salary from the office of the Mandal Development Parishad Officer under Head of Account 010 and retired from service on attaining the age of superannuation on 28.02.2021. Petitioner was granted only the minimum time scale and that his services were never regularized. It is further contended that his salary was paid pursuant to G.O.Ms.No.142, dated 27.08.2018, and that his services were not regularized under G.O.Ms.No.212, dated 22.04.1994. Accordingly, respondents contend that petitioner retired as a temporary

employee and is, therefore, not entitled to pension or other pensionary benefits.

12. Learned senior counsel for petitioner also placed petitioner's service register on record by way of a memo dated 14.10.2026. The entries in the said service register shows that petitioner's case for regularization was rejected by the District Panchayat Officer, Krishna, at Machilipatnam, vide proceedings in Roc.No.66/2002 Pts. 3, dated 13.12.2005, which were recorded in the service register on 15.12.2005. When learned counsel for petitioner was specifically asked whether the said proceedings had been challenged, he submitted that no such challenge had been made. He further contended that, since petitioner's services had already been regularized in the year 1996, the question of rejecting his case for regularization in the year 2005 did not arise.

13. A perusal of the proceedings dated 07.10.1996 reveals that petitioner’s part-time services were absorbed against the existing full-time post of Bill Collector. However, the said proceedings do not establish that petitioner’s services were regularized. Further, the entries in petitioner’s service register, as referred to hereinabove, indicate that his case for regularization was rejected by the competent authority vide proceedings in Roc.No.66/2002 Pts.3, dated 13.12.2005. Admittedly, the said rejection order has not been challenged by petitioner. The proceedings dated 07.10.1996, upon which petitioner places reliance, therefore, cannot be construed as an order of regularization merely on the ground that his part-time services were absorbed against the existing full-time post of Bill Collector. Likewise, grant of a time

scale of pay and revised pay benefits, by itself, does not amount to regularization of petitioner's services or confer upon him the status of a permanent employee. In the absence of any specific order regularizing his services, petitioner's claim to regular status cannot be sustained solely on the basis of aforesaid proceedings and pay benefits.

14. Learned senior counsel for petitioner placed reliance on the judgment of Hon'ble Apex Court in ***Yashwant Hari Katakkar v. Union of India***[1]**,** wherein it held as follows:

> ***3.*** *Dr Anand Prakash, learned Senior Advocate appearing for the Union of India, has contended that on 7-3-1980 when the appellant was prematurely retired he had put in 18 ½ years of quasi-permanent service. According to him, to earn pension it was necessary to have a minimum of 10 years of permanent service. It is contended that since the total service of the appellant was in quasi-permanent capacity he was not entitled to the pensionary benefit. There is nothing on the record to show as to why the appellant was not made permanent even when he had served the Government for 18 ½ years. It would be travesty of justice if the appellant is denied the pensionary benefits simply on the ground that he was not a permanent employee of the Government. The appellant having served the Government for almost two decades it would be unfair to treat him as temporary/quasi-permanent. Keeping in view the facts and circumstances of this case we hold that the appellant shall be deemed to have become permanent after he served the Government for such a long period. The services of the appellant shall be treated to be in permanent capacity and he shall be entitled to the pensionary benefits. We allow the appeal, set aside the judgment of the Tribunal and direct the respondents to treat the appellant as having been retired from service on 7-3-1980 after serving the Government for 18 ½ years (more than 10 years of permanent service) and as such his case for grant of pension be finalised within six months from the receipt of this order. The appellant shall be entitled to all the arrears of pension from the date of retirement. No costs.*

[1] (1996) 7 SCC 113

15. Placing reliance on the aforesaid decision, learned senior counsel for petitioner submitted that Government cannot deny pensionary benefits to an employee who has rendered long and continuous service for several decades, merely on the ground that he was not a permanent Government servant. Such denial is unjust, particularly where the employee has rendered service against a permanent post. Learned senior counsel further submitted that, in the present case, petitioner has been serving in the Department since 1988, and his services were absorbed in 1996. As the petitioner has worked as a full-time Bill Collector for several decades, he is entitled to pensionary benefits in recognition of his long and continuous service.

16. Learned senior counsel for petitioner also placed reliance on the judgment of Hon'ble Apex Court in ***Sukhendu Bhattacharjee and Others V. State of Assam and Others***[2], wherein it held as follows:

> ***75.*** *Recently, this Court in Bhola Nath (supra) while relying on the judgment of Jaggo (supra), Shripal (supra), and Dharam Singh (supra) observed as follows:—*
>
> *"13.6. This Court has, on several occasions, deprecated the practice adopted by States of engaging employees under the nominal labels of "part-time", "contractual" or "temporary" in perpetuity and thereby exploiting them by not regularizing their positions. In Jaggo v. Union of India, this Court underscored that* ***government departments must lead by example in ensuring fair and stable employment, and evolved the test of examining whether the duties performed by such temporary employees are integral to the day-to-day functioning of the organization.***
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> *13.7 In Shripal v. Nagar Nigam, and Vinod Kumar v. Union of India, this Court cautioned against a mechanical and blind*

[2] 2026 SCC OnLine SC 909

reliance on Umadevi (supra) to deny regularization to temporary employees in the absence of statutory rules. ***It was held that*** *Umadevi* ***(supra) cannot be employed as a shield to legitimise exploitative engagements continued for years without undertaking regular recruitment****. The Court further clarified that Umadevi itself draws a distinction between appointments that are "illegal" and those that are merely "irregular", the latter being amenable to regularization upon fulfilment of the prescribed conditions.*

13.8. In Dharam Singh v. State of U.P., this Court strongly deprecated the culture of "ad-hocism" adopted by States in their capacity as employers. ***The Court criticised the practice of outsourcing or informalizing recruitment as a means to evade regular employment obligations, observing that such measures perpetuate precarious working conditions while circumventing fair and lawful engagement practices.***

13.9. ***The State must remain conscious that part-time employees, such as the appellants, constitute an integral part of the edifice upon which the machinery of the State continues to function. They are not merely ancillary to the system, but form essential components thereof. The equality mandate of our Constitution, therefore, requires that their service be reciprocated in a manner free from arbitrariness, ensuring that decisions of the State affecting the careers and livelihood of such part-time and contractual employees are guided by fairness and reason****."*

(Emphasis supplied)

76. *What emerges from the principles enunciated in the aforesaid decisions is that the State cannot rely upon the mere form of engagement to deny fair and equitable treatment to employees who have served it for long years. The consistent thread running through these judgments is that Umadevi (supra) cannot be invoked as a blanket barrier to justify prolonged and continued engagements of a temporary or ad hoc nature, especially where the employees have been discharging essential and recurring functions of the State. The Court has repeatedly emphasised that the distinction between "illegal" and "irregular" appointments must be kept in view, that long and continuous service is a relevant consideration, and that the State, as a model employer, is under a constitutional obligation to act with fairness, consistency and reasonableness. The practice of retaining employees for decades under deceptively titled*

designations, while simultaneously extracting regular work integral to the administration, has been disapproved consistently.

77. *Applying these principles to the present case, it is evident that engaging workers on muster rolls was a consistently employed policy of the State which continued for prolonged period of time. The appellants were not engaged for sporadic or seasonal purposes but were taken on muster rolls and have rendered continuous service for decades in departments performing regular governmental functions. The State itself acknowledged the magnitude of the issue and framed a Cabinet policy to regularize similarly situated workers, acting upon it in respect of nearly 30,000 employees. In such circumstances, to deny consideration to the fraction of remaining eligible workers including the appellants, by taking shelter under a rigid reading of Umadevi (supra) would defeat the very principles of fairness and non-arbitrariness that this Court has consistently upheld.*

78. *In the aforesaid backdrop, we are unable to accept the contention of the State that the appellants cannot be granted regularization on the ground that they were not initially appointed against duly sanctioned posts. The State, having engaged the appellants prior to 1st April, 1993, utilised their services continuously for decades, and having itself framed and implemented a Cabinet policy regularizing nearly 30,000 similarly situated workers, cannot now exclude the appellants by taking shelter behind a rigid or technical reading of Umadevi (supra). In absence of any cogent distinction or reasoned decision justifying such exclusion, the action of the State is manifestly arbitrary. It is inconsistent with its obligation to function as a model employer and does not withstand scrutiny under Article 14 of the Constitution.*

17. Placing reliance on the above, learned senior counsel submitted that the Hon'ble Apex Court while placing reliance on the judgments in ***Jaggo* v. *Union of India***[3]**, *Shripal* v. *Nagar Nigam***[4]**, *Dharam Singh* v. *State of Uttar Pradesh***[5]**, and *Bhola Nath* v. *State of Jharkhand***[6]*,* held that the State cannot deny regularization to employees merely on the ground that they were

[3] 2024 SCC OnLine SC 3826
[4] 2025 SCC OnLine SC 221
[5] 2025 SCC OnLine SC 1735
[6] 2026 INSC 99

not initially appointed against duly sanctioned posts, particularly when their services have been continuously utilized for several decades. It was further observed that, once the State has formulated and implemented a policy for regularization under which nearly 30,000 similarly situated employees have been regularized, it cannot arbitrarily exclude the appellants from the benefit of such policy on technical grounds. Accordingly, the Hon'ble Apex Court directed the regularization of the employees' services, fixation of their pay scales, and extension of post-retirement benefits to them.

18. Learned senior counsel for petitioner also placed reliance on the judgment of the Hon'ble Apex Court in ***D.S. Nakara v. Union of India***[7]**,** wherein it held as follows:

> ***20.*** *The antequated notion of pension being a bounty, a gratuitous payment depending upon the sweet will or grace of the employer not claimable as a right and, therefore, no right to pension can be enforced through Court has been swept under the carpet by the decision of the Constitution Bench in Deokinandan Prasad v. State of Bihar [(1971) 2 SCC 330 : AIR 1971 SC 1409 : 1971 Supp SCR 634 : (1971) 1 LLJ 557] wherein this Court authoritatively ruled that pension is a right and the payment of it does not depend upon the discretion of the Government but is governed by the rules and a government servant coming within those rules is entitled to claim pension. It was further held that the grant of pension does not depend upon anyone's discretion. It is only for the purpose of quantifying the amount having regard to service and other allied matters that it may be necessary for the authority to pass an order to that effect but the right to receive pension flows to the officer not because of any such order but by virtue of the rules. This view was reaffirmed in State of Punjab v. Iqbal Singh. [(1976) 2 SCC 1 : 1976 SCC (L&S) 172 : AIR 1976 SC 667 : (1976) 3 SCR 360]*
>
> ***.....***

[7] (1983) 1 SCC 305

> ***29.*** *Summing up it can be said with confidence that pension is not only compensation for loyal service rendered in the past, but pension also has a broader significance, in that it is a measure of socio-economic justice which inheres economic security in the fall of life when physical and mental prowess is ebbing corresponding to aging process and, therefore, one is required to fall back on savings. One such saving in kind is when you give your best in the hey-day of life to your employer, in days of invalidity, economic security by way of periodical payment is assured. The term has been judicially defined as a stated allowance or stipend made in consideration of past service or a surrender of rights or emoluments to one retired from service. Thus the pension payable to a government employee is earned by rendering long and efficient service and therefore can be said to be a deferred portion of the compensation or for service rendered. In one sentence one can say that the most practical raison d'etre for pension is the inability to provide for oneself due to old age. One may live and avoid unemployment but not senility and penury if there is nothing to fall back upon.*

19. Placing reliance on the aforesaid decision, learned senior counsel for petitioner submitted that pension is not a bounty or a gratuitous payment made at the discretion of employer, but a right accruing to an employee in accordance with the applicable rules. Grant of pension does not depend upon the discretion or goodwill of the Government, and an employee who satisfies the conditions prescribed under the relevant rules is entitled to claim pension as a matter of right. In the instant case, learned counsel for petitioner submitted that petitioner had rendered more than two decades of service in the Department, even after his absorption against a full-time vacant post. Therefore, having regard to his long and continuous service, petitioner is entitled to pension and other admissible retirement benefits in accordance with the applicable rules.

20. Learned senior counsel for petitioner also placed reliance on the judgment of Division Bench of this Court in ***The Accountant GeneralV. A. Nageswara Rao and another***[8], wherein it held as follows:

> *8. Having heard the learned counsel for both the parties, having perused the material on record and in view of the facts and circumstances of the case, it is seen that the petitioner denied pro-rata pension to the first respondent only on the ground that he was not a permanent government service but a quasi permanent employee and that as per the decision of the Supreme Court in Yashwanth Hari's case, quasi permanent government servants when they served the government for a long period, they shall be entitled to pensionary benefits. Since the first respondent had put in more than ten years qualifying service, he is entitled for pro-rata pension. In the circumstances, the Tribunal rightly allowed the O.A. and we do not see any merit in the writ petition.*

21. Placing reliance on the aforesaid judgment, learned senior counsel for petitioner submitted that petitioner's claim for pro-rata pension cannot be rejected merely on the ground that he was classified as a quasi-permanent employee rather than a permanent Government servant. In view of the decision of the Hon'ble Supreme Court, relying on the judgment in ***Yashwanth Hari's*** *case*, a quasi-permanent Government servant who has rendered long and continuous service to the Government is entitled to pensionary benefits, subject to the applicable rules.

22. Applying the aforesaid principle to the present case, learned senior counsel submitted that petitioner had rendered more than two decades of service after being absorbed against a full-time post and that his services had been regularized with effect from 1996. Therefore, petitioner is entitled to

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[8] 2010 SCC OnLine AP 266

pension and other admissible retirement benefits in recognition of his long and continuous service.

23. A perusal of the counter-affidavit, the averments in writ petition, and the proceedings dated 19.08.1996 reveals that petitioner's services were absorbed as a temporary full-time Bill Collector with effect from 19.08.1996. The said proceedings do not indicate that his services were regularized. On the contrary, the entry in petitioner's service register reveals that his claim for regularization was rejected by proceedings dated 13.12.2005 on the ground that he was not eligible for regularization under the applicable rules. However, petitioner did not challenge the said proceedings.

24. Thus, it is evident that petitioner continued to serve as a temporary full-time Bill Collector and that the proceedings dated 19.08.1996 merely resulted in his absorption as a temporary employee on a full-time basis, in place of the part-time employment in which he had been engaged since 1988. Therefore, petitioner cannot rely upon the proceedings dated 19.08.1996 to contend that his services stood regularized or that he acquired the status of a regular Government employee. No doubt, petitioner has rendered long and continuous service in the Department. However, his claim for regularization was expressly rejected by the competent authority by proceedings dated 13.12.2005. Having failed to challenge the said proceedings, petitioner cannot now seek to claim the status of a regular employee by relying upon the earlier proceedings dated 19.08.1996. The fact that petitioner continued to work for several years does not, by itself, establish that his services were regularized.

25. The judgments relied upon by learned senior counsel for petitioner are distinguishable on facts. In those cases, the Hon'ble Supreme Court, having considered the facts and circumstances of the employees concerned and their long and continuous service, issued directions for regularization and the grant of consequential benefits. In the present case, however, petitioner's claim for regularization had already been rejected, and the said rejection was not challenged. Therefore, petitioner cannot claim pensionary benefits on the premise that his services stood regularized when the record establishes otherwise. Petitioner had not sought for regularization of his services. On contra, record shows his case for regularization was rejected while granting minimum of time scale.

26. In view of the foregoing reasons, this Court finds no merit in the contentions of petitioner.

27. Accordingly, the Writ Petition is ***dismissed***. There shall be 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: 20486 OF 2024

Date: 04.11.2026

SAK