APHC010538092026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3625]
(Special Original Jurisdiction)

MONDAY, THE 26th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE D RAMESH

THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA

WRIT APPEAL NO: 1176/2026

Writ Appeal under clause 15 of the Letters Patent to allow the Writ Appeal by setting aside the orders dated 16.06.2026 in W.P.No.14363 of 2026 and pass

Between:

1. THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS PRL SECRETARY TO GOVERNMENT OF AP, REVENUE DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT, ANDHRA PRADESH 522237.
2. THE CHIEF COMMISSIONER OF LAND ADMINISTRATION, ANDHRA PRADESH AT MANGALAGIRI 522503.
3. THE DISTRICT COLLECTOR, KRISHNA DISTRICT AT MACHILIPATNAM 521135..
4. THE REVENUE DIVISIONAL OFFICER, BANDAR KRISHNA' DISTRICT 521001.
5. THE TAHSILDAR, BANTUMILLI, KRISHNA DISTRICT 521324.

...APPELLANT(S)

AND

1. M NAGABHUSHANAM, S/O VENKATA RAMULU, AGED ABOUT 72 YEARS, OFFICE SUBORDINATE RETIRED, R/O CHITTIGUDURU VILLAGE, GUDURU MANDAL, GUDURU, KRISHNA DISTRICT AP.

2. THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS PRL SECRETARY TO GOVERNMENT OF AP, FINANCE AND PLANNING DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI AMARAVATI GUNTUR DISTRICT ANDHRA PRADESH 522237

...RESPONDENT(S):

IA NO: 1 OF 2026

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 pleased to condone the delay of 83 days in filing the present Writ Appeal and to pass

IA NO: 2 OF 2026

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 pleased to suspend the operation of orders dated 16.06.2026 in W.P.No.14363 of 2026 pending disposal of the Writ Appeal and pass

Counsel for the Appellant(S):

1. GP FOR SERVICES I

Counsel for the Respondent(S):

1. A RAJENDRA BABU

The Court made the following:

THE HONOURABLE SRI JUSTICE D RAMESH

THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA

WRIT APPEAL NO: 1176/2026

JUDGMENT: *(per Hon'ble Sri Justice D.Ramesh)*

1. Heard the learned counsel for the appellants and the learned counsel for the respondents.

2. The present Writ Appeal is filed aggrieved by the order dated 16.06.2026 passed by the learned Single Judge in W.P. No.14363 of 2026.

3. The learned counsel for the appellants has submitted that the learned Single Judge disposed of the writ petition without affording an opportunity to the respondents to file their counter-affidavit, with the following directions:

> "*The Respondent-Authorities are directed to consider the case of the Petitioner for the benefit of Old Pension Scheme (OPS), taking into account the service rendered by the Petitioner as Village Revenue Servant (Vetti) and as Attender pursuant to the proceedings in Rc.A7/424/2003, dated 30.03.2004, on par with the similarly placed persons, within a period of three (03) months from the date of receipt of a copy of this order.*"

4. The learned Government Pleader appearing for the respondents has submitted that no similarly placed persons have been considered for or granted the benefit of the Old Pension Scheme. It is further submitted that, if the learned Single Judge had provided an opportunity to file a counter-affidavit, the same would have been brought to the notice of this Court.

5. Per contra, the learned counsel appearing on behalf of the respondent/writ petitioner has contended that the issue relating to the grant of such benefits to similarly placed persons has already been considered by the Madras High Court as well as the Hon'ble Supreme Court, and that the petitioner is entitled to the said benefit in the light of those decisions.

6. Considering the submissions made by both the learned counsel and upon perusal of the order under appeal, it appears that the writ petition was disposed of without counter-affidavit being filed by the respondents and without affording them a further opportunity to place their stand on record.

7. In view of the same, and without expressing any opinion on the merits of the case, the Writ Appeal is disposed of by setting aside the order dated 16.06.2026 passed by the learned Single Judge in W.P.No.14363 of 2026 and restoring the writ petition to its original position. The respondents are granted four (04) weeks' time to file their counter-affidavit in the writ petition. Thereafter, the petitioner/respondent herein shall be at liberty to file a reply, if any, within two (02) weeks. Upon completion of the pleadings, the learned Single Judge is requested to consider and dispose of the writ petition on its own merits, in accordance with law. There shall be no order as to costs.

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

JUSTICE D. RAMESH

JUSTICE A. HARI HARANADHA SARMA

26.10.2026

Klk/gnp

THE HONOURABLE SRI JUSTICE D RAMESH

THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA

W.A. No.1176 of 2026

26.10.2026
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