APHC010566692026

**IN THE HIGH COURT OF ANDHRA PRADESH**
**AT AMARAVATI** **[3460]**
**(Special Original Jurisdiction)**

TUESDAY, THE 27th DAY OF OCTOBER 2026

**PRESENT**

**THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY**

**WRIT PETITION NO: 31100/2026**

**Between:**

1. B. SUKANYA, RETIRED HOSTEL WELFARE OFFICER, GOVT. B.C. GIRLS HOSTEL, MACHAVARAM (V AND M), GUNTUR DISTRICT, RESIDING AT DOOR NO.22-09-481, 8TH LANE, BHARATHPET, AMARAVATHI ROAD, GUNTUR 522002, ANDHRA PRADESH. MOBILE 94441820363

**...PETITIONER**

**AND**

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, B.C. WELFARE DEPARTMENT, AP SECRETARIAT, VELAGAPUDI, AMARAVATI, ANDHRA PRADESH - 522238.
2. THE DIRECTOR B C WELFARE, 2ND FLOOR, VISHAL RESIDENCY, NEAR VR SIDDHARTHA COLLEGE, TADIGADAPA, KANURU, VIJAYAWADA - 520007, AP
3. THE COLLECTOR AND DISTRICT MAGISTRATE, . DISTRICT COLLECTOR OFFICE, COLLECTOR OFFICE ROAD, R AND B QUARTER, GUNTUR, ANDHRA PRADESH - 522004.
4. THE DISTRICT B C WELFARE AND EMPOWERMENT OFFICER, . BEHIND ZILLA PARISHAD, WELFARE COMPLEX, NAGARAMPALEM, GUNTUR, AP - 522004
5. THE STATE OF ANDHRA PRADESH, . REP. BY ITS PRINCIPAL SECRETARY, FINANCE DEPARTMENT, 2ND BLOCK, 1ST

FLOOR, A. P. SECRETARIAT, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT, A.P., - 522238

**...RESPONDENT(S):**

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 toissue a writ or order or direction more particularly one in the nature of writ of mandamus, declaring the action of the respondents in not counting the petitioner's continuous service rendered from 17-12-1986 to 24-11-1993, for the purpose of pension and pensionary benefits, as illegal, arbitrary, unjust, discriminatory and contrary to the applicable pension rules and the law declared by the Hon'ble Supreme Court in State of Himachal Pradesh and Anr. v. Sheela Devi, dated 07-08-2023, and consequently direct the respondents to fix the petitioner's service from 17-12-1986 to 24-11-1993, totalling 6 years, 11 months and 7 days, as qualifying service for pensionary purposes add the said period to the service already recognised from 25-11-1993 onwards accordingly refix/revise the petitioner's pension and all admissible pensionary benefits, including retirement gratuity and commutation, strictly in accordance with the applicable pension rules and pay the consequential arrears arising from such revision from the date from which such revised benefits became payable, subject to the applicable statutory/rule position

**Counsel for the Petitioner:**

1. RAVI CHANDRA BANDLAMUDI

**Counsel for the Respondent(S):**

1. GP FOR SERVICES I

**The Court made the following:**

**THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY**

**WRIT PETITION No.31100 of 2026**

**ORDER:**

1. The present Writ Petition is filed questioning the action of Respondent-Authorities in not counting the continuous service of the Petitioner rendered from 17.12.1986 to 24.11.1993 for the purpose of pension and pensionary benefits, as illegal and arbitrary.

2. The Petitioner was initially appointed as Daily Wages Cook on 17.12.1986 in the B.C. Welfare Department, and thereafter, her services were regularized on 31.07.2001 in terms of G.O.Ms.No.212, dated 22.04.1994, and she was posted to work as Cook in Government B.C. Boys Hostel, Kottapakonda. Thereafter, the Petitioner filed O.A.No.444 of 2019 before the then Andhra Pradesh Administrative Tribunal, Hyderabad (for short, 'the Tribunal'), for counting her service from the date of her initial appointment, i.e., 17.12.1986, for the purpose of qualifying service for sanction of service pension, instead of 31.07.2001. The Tribunal following the Judgment rendered by a Division Bench of this Court in ***Government of Andhra Pradesh Vs. N. Venkataiah and others*** [1], vide its order dated 01.04.2019, disposed of the said O.A., directing the Respondents to

[1] **2018 (4) ALT 6 (DB)**

extend the benefit of past service from 25.11.1993 onwards. The relevant portion of the order reads as under:-

> *"In view of the above, the respondents are directed to extend the benefit of past service from 25.11.1993 onwards to the applicant for the purpose of pension and pensionary benefits only. It is made clear that the applicant is not entitled for any monetary benefits prior to retirement In view of these orders."*

3. Questioning the said O.A, the State Government had filed W.P.No.24870 of 2023 before this Court and a Division Bench of this Court vide its order, dated 06.10.2025 had confirmed the orders passed by the Tribunal. Now, the present Writ Petition is filed seeking for a direction to the Respondent-Authorities for counting the service of the Petitioner for the purpose of pension and pensionary benefits in the light of the Judgment rendered by the Hon'ble Supreme Court in ***State of Himachal Pradesh and Another Vs. Sheela Devi***[2]. Hence, Writ Petition came to be filed.

4. Heard Sri Samuyelu Naladi, learned counsel for the Petitioner as well as learned Assistant Government Pleader for Services.

5. The issue raised by the Petitioner regarding the counting of her service from the date of her initial appointment, i.e., 17.12.1986, for the purpose of pension and pensionary benefits was raised in O.A.No.444 of 2019, and the counting of her past service was restricted only from

[2] **2023 Live Law (SC) 662**

25.11.1993 onwards by the Tribunal vide order dated 01.04.2019. The said order passed by the Tribunal was confirmed by a Division Bench of this Court, and the issue urged by the Petitioner had attained finality. Therefore, the present Writ Petition cannot be maintained, as the same is barred by *res judicata*, as the Petitioner did not challenge the order of the Tribunal. Accordingly, the Writ Petition is dismissed.

6. No order as to costs.

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

**JUSTICE NYAPATHY VIJAY**

Date: 27.10.2026
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**THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY**

**105**

**WRIT PETITION No.31100 of 2026**

Dated:27.10.2026

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