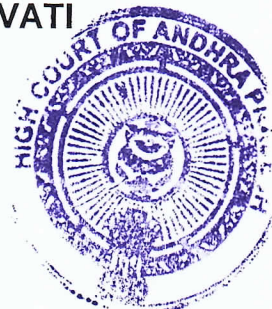


IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

FRIDAY, THE TWENTY FIFTH DAY OF APRIL

TWO THOUSAND AND TWENTY FIVE



:PRESENT:
THE HONOURABLE SRI JUSTICE CHALLA GUNARANJAN

WRIT PETITION NO: 8858 OF 2025

Between:

M. Rambabu, S/o. M.Janaiah, Aged about 63 years, Occu: Retired office Superintendent, O/o Director of Social Welfare Department, AP Opp- Manipal Hospital, T.G. Plaza, Tadepalli, Guntur District. R/o Flat.No.402, Srinivasam Apartments. Pathuru Road, Tadepalli, Guntur District

Petitioner

AND

1. The State of Andhra Pradesh, rep. by its Principal Secretary, Social Welfare Department Secretariat Buildings, Velagapudi, Amaravathi Guntur District.
2. The Director of Social Welfare Department, AP, Opp- Manipal Hospital, T.G. Plaza, Tadepalli, Guntur District.
3. The Assistant Accounts officer, O/the Director of Social Welfare Department AP, Opp- Manipal Hospital, T.G. Plaza, Tadepalli, Guntur District.
4. The Principal Accountant General (A&E), Andhra Pradesh at Vijayawada.

Respondents

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the Lr.No.N2/2088/2024, dt 23-01-2025 (in so far as unnumbered Para.4) of the 2nd respondent and consequential orders in PAG(A E)/AP/P8/IV/R-390/SP355/2024-05 352466, dt 21-02-2025 of the 4th respondent illegal, arbitrary and unjust and it is in violation of principles of natural justice and further declare that there is no double sanction the pension Rs.60,640/- PM basing on the LPD Rs.1,21,280/- and release the pension with arrears with interest at 12% PA on the delayed payment .

IA NO: 1 OF 2025

Petition under Section 151 CPC is filed 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 the Lr.No.N2/2088/2024,dt; 23-01-2025 (in so far as unnumbered Para.4) of the 2nd respondent and consequential orders in PAG(A&E)/AP/P8/IV/R-390/SP355/2024-05/352466, dt;21-02-2025 of the 4th respondent.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri G SEENA KUMAR Advocate for the Petitioner, GP FOR SERVICES II for the Respondent Nos.1 to 3; Sri K. Swarna Seshu, Standing Counsel for the Respondent No.4 and the Court made the following.

ORDER:

“Learned Assistant Government Pleader has placed on record written instructions stating that the pay fixation at the time of PRC 1999 resulted in drawal of excess amount to the petitioner from 01.04.1999 to till his date of retirement, which is now sought to be rectified. The same

cannot be treated as an error or mistake. So, he seeks time to file detailed counter. ✓

In view of aforesaid statement that now by resorting to present action respondents are trying to recover the excess amounts paid to the petitioner while he was in service, there shall be interim stay of recovery of the excess amounts paid in pursuance to the Lr.No. N2/2088/2024, dated 23.01.2025, pending further orders. ✓

Let the counter be filed by the respondents within four weeks, Reply, if any, be filed within two weeks thereafter. ✓

List this matter after eight weeks." ✓

//TRUE COPY//

For A.

SD/- M.PRABHAKARA RAO
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Social Welfare Department, State of Andhra Pradesh, Secretariat Buildings, Velagapudi, Amaravathi Guntur District. [By Special Messenger]
2. The Director of Social Welfare Department, AP, Opp- Manipal Hospital, T.G. Plaza, Tadepalli, Guntur District. ✓
3. The Assistant Accounts officer, O/the Director of Social Welfare Department AP, Opp- Manipal Hospital, T.G. Plaza, Tadepalli, Guntur District. ✓
4. The Principal Accountant General (A&E), Andhra Pradesh at Vijayawada. (2 to 4 by RPAD)
5. One CC to SRI. G SEENA KUMAR Advocate [OPUC]
6. One CC to Sri K. Swarna Seshu, Standing Counsel [OPUC]
7. Two CCs to GP FOR SERVICES II, High Court Of Andhra Pradesh. [OUT]
8. One spare copy

HIGH COURT

CGR,J

DATED:25/04/2025

List this matter after eight weeks

ORDER

WP.No.8858 of 2025

INTERIM STAY

