



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

[3208]

MONDAY, THE SIXTH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE D RAMESH

WRIT PETITION NO: 12078/2023

Between:

1. U PARVATHI, W/O MADAN MOHAN BABU, AGE. 73 YRS, EX -
MULTI PURPOSE HEALTH ASSISTANT (F), R/O IV 29-A24-D,
INDIRA NAGAR, MADANAPALLI, CHITTOOR DISTRICT.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL
SECRETARY, MEDICAL AND HEALTH DEPARTMENT,
SECRETARIAT, VELAGAPUDI, AMARAVATHI, GUNTUR
DISTRICT, A.P.
2. THE COMMISSIONER OF HEALTH AND FAMILY WELFARE, A.P.
GOLLAPUDI, VIJAYAWADA, A.P.
3. THE DIRECTOR OF HEALTH AND FAMILY WELFARE, A.P.,
GOLLAPUDI, VIJAYAWADA, A.P.
4. THE DISTRICT MEDICAL AND HEALTH OFFICER, CHITTOOR,
CHITTOOR DISTRICT, A.P.
5. THE ACCOUNTS OFFICER, OFFICE OF THE ACCOUNTANT AND
GENERAL (AANDE), A.P., GOLLAPUDI, VIJAYAWADA, KRISHNA
DISTRICT, A.P.

...RESPONDENT(S):

The Court made the following ORDER:

1. The present Writ Petition is filed seeking to declare the action of the respondents in issuing the impugned Memo No.17036/1/2018-G-HM&FW dated 17.04.2018, Rc.No.2965/FW-E1/2013 dated 30.05.2018, and Rc.No.2965/FW-E1/2013 dated 09.08.2019 as highly arbitrary and illegal.
2. Heard the learned counsel for the petitioner and the learned Government Pleader for the respondents.
3. It appears from the record that the impugned orders dated 17.04.2018 were issued declaring that the petitioner is not entitled to any pensionary benefits on account of her unauthorized absence from 11.05.1986 till the date of her retirement in the year 2008.
4. On perusal of the material available on record, it is seen that the petitioner had earlier approached the Hon'ble Administrative Tribunal by filing O.A.No.7096 of 2014 seeking to set aside the rejection order dated 28.12.2011 and to direct the respondents to treat the period from 11.05.1986 to 11.08.2008 as duty period and release all consequential benefits including pension and pensionary benefits. The said Original Application was considered on merits and dismissed vide order dated 05.01.2015, wherein the Tribunal observed as follows:

"In this Original Application, not only the prayer for setting aside the rejection order dated 28.12.2011, but also the consequential prayer for treating the applicant's absence from duty from 11.05.1986 to 11.08.2008 as

duty are hopelessly barred by limitation. The applicant simply abandoned her service with effect from 11.05.1986 onwards. There are no proceedings showing that she retired from service on attaining the age of superannuation. There cannot be any proceedings for retirement when she has abandoned her service from 11.05.1986. Therefore, for all the above reasons, this Tribunal is of the opinion that this Original Application is not maintainable in law and is also barred by limitation.”

5. Surprisingly, after dismissal of the said O.A., the Hon'ble Upa Lokayukta entertained the complaint submitted by the petitioner dated 10.06.2016 and passed orders directing the authorities to rebuild the service register of the petitioner. Pursuant thereto, the matter was forwarded to the Medical Officer, Chittoor District, for reconstruction of the duplicate service register and for processing the retirement benefits of the complainant within a period of four (04) months, subject to eligibility. The said orders were implemented vide proceedings dated 15.05.2017. However, upon noticing the irregularity, the same was rectified vide proceedings dated 17.04.2018. A perusal of the record clearly reveals that the petitioner's claim for regularization of the period from 11.05.1986 to 11.08.2008 and consequential benefits such as pension and other retirement benefits had already been rejected by the competent Tribunal vide order dated 05.01.2015.

6. In the said circumstances, this Court is of the opinion that the Hon'ble Lokayukta was not competent to entertain the complaint and issue such directions, particularly when the issue had already attained finality

before the competent Tribunal. Admittedly, the petitioner had neither worked nor discharged her duties from 11.05.1986 onwards. After a lapse of more than two and a half decades, and that too after dismissal of the Original Application without challenging the same before any competent forum, the petitioner cannot claim monetary or pensionary benefits as a matter of right. It is unfortunate that the Lokayukta entertained the complaint and passed such directions despite lacking jurisdiction in the matter.

7. In view of the aforesaid facts and circumstances of the case, this Court finds no merit in the Writ Petition. Accordingly, the Writ Petition is dismissed.

Consequently, Miscellaneous Petitions, if any, pending in the writ petition shall stand closed.

JUSTICE D RAMESH

06.04.2026

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THE HONOURABLE SRI JUSTICE D RAMESH

WRIT PETITION NO:12078/2023

06.04.2026

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