

APHC010247362026



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

[3208]

WEDNESDAY, THE SIXTH DAY OF MAY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE D RAMESH

WRIT PETITION NO: 13180/2026

Between:

1. J. SUNEETHAMMA, DAUGHTER OF SRIRAMULU (LATE), AGE 62 YEARS, QCC MULTI PURPOSE HEALTH ASSISTANT (F) RETIRED, PRIMARY HEALTH CENTRE, MUSTHABAD, GANNAVARAM MANDAL, KRISHNA DISTRICT, R/O D.NO. 2-22 SRINAGAR COLONY, GANNAVARAM, KRISHNA DISTRICT

...PETITIONER

AND

1. THE STATE OF A P, REP BY ITS PRINCIPAL SECRETARY, HEALTH, MEDICAL FAMILY WELFARE DEPARTMENT, SECRETARIAT, VE AGAPUDI, AT AMARAVATHI, GUNTUR DISTRICT T522238
2. THE DIRECTOR OF PUBLIC HEALTH AND FAMILY WELFARE, STATE OF A.P, VIJAYAWADA, NTR DISTRICT-520001.
3. THE REGIONAL DIRECTOR OF MEDICAL AND HEALTH SERVICES, ZONE - II, RAJAMAHENDRAVARAM, EAST GODAVARI DISTRICT- 533101.

4. THE PRINCIPAL ACCOUNTANT GENERAL, 4. , STATE OF AP,
STALIN CENTRE MALL, VIJAYAWADA, NTR DISTRICT-
520001.

...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 topleased to issue an appropriate order or directions more particularly, one in thq nature of Writ of Mandamus, declaring the action of the respondents in not releasing the Encashment of Earn Leave on pendency of harge Memo vide G.O.Rt.No. 74 Health, Medical and Family Welfare (VC.1) Department dated 25.01.2023 as highly illegal, arbitrary, discrimination, contrary to orders of this Hon'ble Court and violation of Article 14, 16 and 21 of the Constitution of India and consequentially direct the respondents to release the Encashment of Earned Leave to the petitioner, pendency of the above charge memo in pursuance of G.O.Rt.No.1097, Finance and Planning (FW.Pen.I) Department, dated 22.06.2000 and in terms of similar orders in W.A.No 196 of 2022 dated 16.02.2022 and to pass such other order or orders as this Honble Court may deem fit and proper in the circumstances of the case.

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 direct the respondents to release the Encashment of Earned Leave, to the petitioner forthwith in pursuance of G.O.Rt.No.1097, Finance & Planning (FW.Pen.I) Department, dated 22.06.2000 and in terms of similar orders in W.A.No 196 of 2022 dated 16.02.2022 pending disposal of the above writ petition and pass

Counsel for the Petitioner:

1. T S N SUDHAKAR

Counsel for the Respondent(S):

1. GP FOR SERVICES I

The Court made the following:**ORDER:**

This writ petition is filed seeking to declare the action of the respondents for not releasing the encashment of earned leave due to pendency of charge memo vide G.O.Rt.No.74 dated 25.01.2023 as arbitrary and illegal and violative of Rule 52(C) of the A.P. Revised Pension Rules, 1980 and also contrary to the existing G.O.Rt.No.1097 dated 22.06.2000.

2. Heard the learned counsel for the petitioner and the learned Government Pleader appearing for the respondents.

3. The contention of the petitioner is that as per G.O.Rt.No.1097 dated 22.6.2000, the petitioner is also entitled for leave encashment salary and 80% of retirement gratuity and the said aspect was considered by this Court in W.P.No.6050 of 2021 and the same was disposed of on 17.3.2021 with a direction to pay 80% of retirement gratuity to the petitioner. In the identical cases, the department has filed Writ Appeal vide W.A.No.196 of 2022 and the same was disposed of on 16.02.2022 with the following direction:

"5. For the foregoing discussion, the said part of the impugned order passed by the learned single Judge allowing payment of 80% of the retirement gratuity to the writ petitioner is set aside. However, we observe that the writ petitioner is entitled to leave encashment."

4. Learned Government Pleader submitted that the Court may pass appropriate orders.

5. Considering the observations of the Division bench, this Writ Petition is also disposed of directing the respondents herein to pay the leave encashment salary to the petitioner, within a period of two (02) months from the date of receipt of a copy of the order. No costs.

6. The Registry is directed to tag the copy of the order dated 16.02.2022, passed by the Division Bench of this Court in W.A.No.196 of 2022.

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

JUSTICE D.RAMESH

Date:06.05.2026
GK

THE HONOURABLE SRI JUSTICE D.RAMESH

WRIT PETITION NO: 13180 of 2026

Dated:06.05.2026

GK