

APHC010339792025



IN THE HIGH COURT OF ANDHRA PRADESH

AT AMARAVATI

[3460]

(Special Original Jurisdiction)

**WEDNESDAY, THE THIRTEENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION NO: 20738/2025

Between:

K P Venkata Seshanna

...PETITIONER

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1. A V V S BHUJANGA RAO

Counsel for the Respondent(S):

1. GP FOR SERVICES II

The Court made the following:

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY**WRIT PETITION NO: 20738/2025**

The present Writ Petition is filed to declare the action of the Respondents in withholding/recovery of an amount of Rs. 2,47,353/- from petitioner's retirement gratuity as excess paid under G.O.Ms. No.330, Education Department, Dated. 10-08-1983 in violation of the full bench judgment of the Hon'ble High Court in W.P. No. 21457 of 2004 (reported in 2010 4 ALT 145) and ***State of Punjab and others Vs Rafiq Masih*** (reported in 2015 4 SCC 334) as illegal and arbitrary.

2. When the matter is taken up for hearing, learned counsel for Petitioner as well as learned Assistant Government Pleader for Services – II would submit that the issue involved in this Writ Petition is squarely covered by the order passed by the full bench decision of this Court in ***State Language Teachers' Association rep. by its General Secretary v State of Andhra Pradesh*** Reported in 2010 (4) ALT 145. The concluding paragraph of the full bench decision is extracted below:

“ 73. Thus the Writ Petitions are partly allowed to the extent indicated above. No costs.

ORDER:

In view of the majority, the Writ Petitions stand disposed of in the following manner:

- (i) The impugned Act is constitutionally valid and does not violate Articles 14 and 16 of Constitution;
 - (ii) The impugned Act does not amount to usurpation of judicial powers of Legislature. It only removed the basis for the decision of this Court in P.C.S Naidu v. Correspondent, SSRSO Upper Primary School, and it is not ultra vires;
 - (iii) The impugned Act is silent with regard to recovery of the amounts already paid to those Grade-II Pandits who availed the benefit under G.O.Ms.No.330, dated 10.08.1983 and hence the Government shall not recover any amount actually and already paid to any of the Language Pandits Grade-II who were given benefit of Scale of Pay of Grade-I”.
3. The Division Benches of this Court in W.P.No.33315 of 2013 and W.P.No.7284 of 2021 negated the attempts of the Department to recover alleged excess amounts.
4. Having regard to the facts and circumstances of the case, this Writ Petition is disposed of directing the Respondents to forthwith refund to the petitioner, the amount of Rs.2,47,353/- wrongfully

recovered/withheld from the pensioner benefits within eight weeks from the date of receipt of a copy of this order, failing which, the said amount shall carry interest at the rate of 9% per annum from the date due till such refund is made. No order as to costs.

As a sequel, miscellaneous petitions pending consideration, if any, in this case shall stand closed.

JUSTICE NYAPATHY VIJAY

Date: 13.08.2025

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THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION No.20738/2025

Dated 13.08.2025

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