



IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(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 OF 2025

Between:

K P Venkata Seshanna, S/o. K. Mugenna, aged about 73 years, Occ. Retired School Assistant (Telugu), Z.P High School, Illuru Kothapeta, Banaganapalle Mandal, Kurnool District Presently Nandyal District, R/o. H.No. 19-406, Telugupeta, Banaganapalle Post and Mandal, Nandyal District-518124.

...Petitioner

AND

1. The State Of Andhra Pradesh, Represented by its Principal Secretary, School Education Department, Secretariat, Velagapudi, Amaravathi at Vijayawada.
2. The Principal Accountant General A and E, Andhra Pradesh, Stalin Central Mall, Door No. 27-37-158, 6th and 7th Floor, M.G. Road, Governorpet, Vijayawada - 520002.
3. The Director of Treasuries and Accounts Cum Chief Executive Officer, Comprehensive Financial Management System (CFMS), Anjaneya Towers, 6 Floor, Ibrahim Patnam, Vijayawada - 521456.
4. The District Educational Officer, Nandyal, Nandyal District.
5. The District Educational Officer, Kurnool, Kurnool District.
6. The District Treasury Officer, Nandyal, Nandyal District.
7. The District Treasury Officer, Kurnool, Kurnool District.
8. The Sub Treasury Officer, Banaganapalle, Nandyal District.

9. The Head Master, Z.P High School, Uluru Kothapeta, Bahaganapalle Mandal, Kurnool District Presently Nandyal District.

...Respondents

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 to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, to declare the action of the respondents in withholding/recovery an amount of Rs. 2,47,353/- from petitioner's retirement gratuity that too after their retirement 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 2010 4 ALT 145 and State of Punjab and others Vs Rafiq Masih reported in 2015 4 SCC 334 and as per the Division Bench of Hon'ble Telangana High Court in W.P. No. 32896 of 2013 and Batch dated. 24-02-2022 is as illegal, arbitrary and unconstitutional and consequently declare that the petitioner is entitled for repayment of the recovered/withheld gratuity amount of Rs. 2,47,353/- as per to the Division Bench orders of this Hon'ble Court passed in W.P. No. 33315 of 2013 Dated. 22-06-2020 and Division Bench orders in W.P. No. 31507 of 2013 and Batch and Division Bench orders in W.P. No. 33594 of 2013 dated: 06-04-2021 along with interest at the rate of 12% on delay payment from the date on which the gratuity becomes payable till such payment is made and to pass.

IA NO: 1 OF 2025

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 to direct the respondents authorities to forthwith refund the entire recovered amount of Rs. 2,47,353/- to the petitioner as per the full bench judgment of the Hon'ble High Court in W.P. No. 21457 of 2004 reported 2010 4 ALT 145 and Division Bench orders in W.P. No. 33315 of 2013 Dated: 22-06-2020 along with 12% interest from the date on which the gratuity becomes payable pending disposal of the main Writ Petition.



Counsel for the Petitioner: SRI A V V S BHUJANGA RAO

Counsel for the Respondents : GP FOR SERVICES II

The Court made the following Order:

APHC010339792025



**IN THE HIGH COURT OF ANDHRA PRADESH
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[3460]

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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.

//TRUE COPY//

Sd/- U SRIDEVI
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, School Education Department, Secretariat, Velagapudi, Amaravathi at Vijayawada.
2. The Principal Accountant General A and E, Andhra Pradesh, Stalin Central Mall, Door No. 27-37-158, 6th and 7th Floor, M.G. Road, Governorpet, Vijayawada - 520002.
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9. The Head Master, Z.P High School, Uluru Kothapeta, Banaganapalle Mandal, Kurnool District Presently Naqdyal District.
10. One CC to SRI. A V V S BHUJANGA RAO, Advocate [OPUC]
11. Two CCs to GP for SERVICES II, High Court of Andhra Pradesh [OUT]
12. Two CD Copies

VNA

HIGH COURT

DATED:13/08/2025

ORDER

WP NO. 20738 OF 2025



**DISPOSING OF THE WRIT PETITION WITHOUT
COSTS**