

APHC010510402025



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

[3460]

THURSDAY, THE NINTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION NO: 26610/2025

Between:

1.M LAKSHMANA SWAMY, S/O. SATTIRAJU, AGED 68 YEARS, RETD. DEPUTY EXECUTIVE ENGINEER, A.P. STATE HOUSING CORPORATION LIMITED, R/O. D.NO.70-3-64/2, COMMERCIAL TAX COLONY RAMANAIAHPET, KAKINADA, EAST GODAVARI DISTRICT.

...PETITIONER

AND

- 1.THE STATE OF AP, REP. BY ITS PRI. SECRETARY, HOUSING DEPARTMENT, SECRETARIAT, VELAGAPUDI, GUNTUR DISTRICT. 2.
- 2.THE STATE OF ANDHRA PRADESH, REP. BY ITS SPL. CHIEF SECRETARY, FINANCE HR IV FR LR DEPARTMENT, SECRETARIAT VELAGAPUDI, GUNTUR DISTRICT. 3.
- 3.THE ANDHRA PRADESH STATE HOUSING CORPORATION LIMITED, REP. BY ITS MANAGING DIRECTOR, AUTO NAGAR, VIJAYAWADA- 520 007 4.

4.THE DISTRICTHEAD, ANDHRA PRADESH STATE HOUSING CORPORATION LIMITED, COLLECT ORATE, KAKINADA, KAKINADA DISTRICT. 5.

5.THE DISTRICT COLLECTOR DISTRICT MAGISTRATE, COLLECTORATE,KAKINADA, KAKINADADISTRICT.

...RESPONDENT(S):

Counsel for the Petitioner:

1.S V MUNI REDDY

Counsel for the Respondent(S):

1.GP FOR SERVICES I

The Court made the following:

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY**WRIT PETITION No.26610 of 2025****ORDER:**

The present writ petition is filed declaring the action of the Respondents in not releasing the gratuity, as illegal and arbitrary.

2. The Petitioner had retired as Deputy Executive Engineer, A.P. State Housing Corporation. While so, a criminal case was registered against the Petitioner in C.C.No.35 of 2010 which was renumbered as C.C.No.24 of 2018 for the offences under Sections 7 and 13(1)(d) read with 13(2) of the Prevention of Corruption Act. The Special Judge for trial of SPE and ACB Cases, Rajamahendravaram after due trial, convicted the Petitioner vide judgment dated 08.07.2024. Questioning the same, the Petitioner filed Crl.A.No.449 of 2024 before this Court. The sentence of imprisonment was suspended by this Court on 01.08.2024. The criminal appeal is pending. In the present writ petition, the Petitioner claims for release of gratuity as the same cannot be withheld since the criminal appeal is pending.

3. Sri K.Mallikarjuna Murthy, learned Standing Counsel for A.P. Housing Corporation, submits that as the conviction of the

Petitioner is not suspended, the gratuity cannot be paid and the Petitioner can agitate the claim after the disposal of the criminal appeal.

4. Considering the submissions made, the claim for gratuity at this stage when criminal appeal against conviction is pending cannot be entertained.

5. Therefore, the Writ Petition is disposed of leaving it open to the Petitioner to agitate the claim after disposal of the criminal appeal. There shall be no order as to costs.

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

JUSTICE NYAPATHY VIJAY

Date: 09.10.2025
lvd

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION No.26610 of 2025

Dated: 09.10.2025

Ivd