

**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI
(SPECIAL ORIGINAL JURISDICTION)**

**WEDNESDAY, THE TWENTY EIGHTH DAY OF JANUARY,
TWO THOUSAND AND TWENTY SIX**

:PRESENT:

HONOURABLE SRI JUSTICE D RAMESH

WRIT PETITION NO: 27581 OF 2024



Between:

J. Rathnamaiah, S/o.Balabayanna, Aged 67 Years, Retired Tahsildar,
R/o.Hindupur, Sri Satya Sai District.

...Petitioner

AND

1. The State Of Andhra Pradesh, Represented By its Principal Secretary,
Revenue Department, Secretariat Buildings, Amaravathi.
2. The Chief Commissioner of Land Administrator, D.No.22-19, Floor
No.2, Jasti Towers, Vijayawada.
3. The District Collector, Sri Satya Sai District.
4. The Tahsildar, Hindupur, Sri Satya Sai District
5. The Member, Commissionerate of Enquiry, 2nd Floor, Block No.5,
Secretariat Building, Amaravathi.

...Respondents

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased may be pleased to issue a Writ or Order more in the nature of Mandamus in declaring the action of the respondents in not releasing all the retirement benefits like full pension, gratuity, commutation of 40% pension from date of retirement 01.10.2017 till date ,encashment of surrender of earned leave 1 month during the period of suspension 2016-17 (30days), payment of medical allowance, payment of pending D.Rs, payment of TA & DA as per Rule 82 of APTA Rules, regularization of suspension period from 10.06.2016 to 30.09.2017as well as increment for the suspension period

followed by reinstatement, interim relief of 27% on the basic pension as well as the legal expenses incurred by the petitioner, as the disciplinary proceedings against the petitioner stands automatically quashed as per the final orders in WP No.30571/2023 dated 11.01.2024 as illegal, arbitrary, unconstitutional, violative of principles of natural justice, and consequentially direct the respondents to pay all the retirement benefits like full pension, gratuity, commutation of 40percent pension from date of retirement 01.10.2017 till date .encashment of surrender of earned leave 1 month during the period of suspension 2016-17 (30days), payment of medical allowance, payment of pending D.Rs, payment of TA & DA as per Rule 82 of APTA Rules, regularization of suspension period from 10.06.2016 to 30.09.2017as well as increment for the suspension period followed by reinstatement, interim relief of 27% on the basic pension as well as the legal expenses incurred by the petitioner, as the disciplinary proceedings against the petitioner stands automatically quashed as per the final orders in WP No.30571/2023 dated 11.01.2024 with 15% interest by fixing a time limit as the disciplinary proceedings against the petitioner stood automatically quashed as per the final orders in WP No.30571/2023 dated 11.01.2024;

✓ **IA NO: 1 OF 2024**

Petition under Section 151 CPC is filed 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 to pay all the retirement benefits like full pension, gratuity, commutation of 40% pension from date of retirement 01.10.2017 till date, encashment of surrender of earned leave 1 month during the period of suspension 2016-17 (30days) payment of medical allowance, payment of pending D.Rs, payment of TA&DA as per Rule 82 of APTA Rules, regularization of suspension period from 10.06.2016 to 30.09.2017 as well as increment for the suspension period followed by reinstatement, interim relief of 27% on the basic pension as well as the legal expenses incurred by the petitioner, as the disciplinary proceedings against the petitioner stands automatically quashed as per the final orders in WP

No.30571/2023 dated 11.01.2024, Pending disposal of WP 27581 of 2024, on the file of the High Court.

— The petition, coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri.K R SRINIVAS Advocate for the Petitioner, GP FOR REVENUE for Respondent Nos. 1 to 4 and the Court made the following.

ORDER:

This writ petition is filed seeking the following relief:

“may be pleased to issue a Writ or Order more in the nature of Mandamus in declaring the action of the respondents in not releasing all the retirement benefits like full pension gratuity commutation of 40% pension from date of retirement 01.10.2017 till date encashment of surrender of earned leave 1 month during the period of suspension 2016-17 (30 days) payment of medical allowance payment of pending DRs payment of TA and DA as per Rule 82 of APTA Rules regularization of suspension period from 10. 06.2016 to 30.09.2017 as well as increment for the suspension period followed by reinstatement interim relief of 27% on the basic pension as well as the legal expenses incurred by the petitioner as the disciplinary proceedings against the petitioner stands automatically quashed as per the final orders in W.P.No.30571 of 2023 dated 11.01.2024 as illegal arbitrary unconstitutional violative of principles of natural justice and consequentially direct the respondents to pay all the retirement benefits like full pension gratuity commutation of 40% pension from date of retirement 01.10.2017 till date encashment of surrender of earned leave 1 month during the period of suspension 2016-17 (30 days) payment of medical allowance payment of pending DRs payment of TA and DA as per Rule 82 of APIA Rules regularization of suspension period from 10.06.2016 to 30.09.2017 as well as increment for the suspension period followed by reinstatement interim relief of 27% on the basic pension as well as the legal expenses incurred by the petitioner as the disciplinary proceedings against the petitioner stands automatically quashed as per the final orders in W.P.No.30571/2023 dated 11.01.2024 with 15% interest by fixing a time limit as the disciplinary proceedings against the petitioner stood automatically quashed as per the final orders in W.P.No.30571/2023 dated 11.01.2024 and pass”.

Learned counsel for the petitioner has brought to the notice of this Court that the order passed by this Court in the writ petition No.30571 of 2023, wherein the operative portion reads as follows:

“9. In view of these observations, this Court deems it appropriate to dispose of the present Writ Petition with a direction to the Respondent Authorities, more particularly the Respondent No.5, to complete the disciplinary proceedings and submit a Report to the Competent Authority within nine (9) months from the date of uploading of this Order on the website of this Court. There shall be a further direction to the Respondent Authorities to furnish all incriminating material including charges to the Writ Petitioner within four weeks from the date of uploading of this Order on the website of this Court. If the disciplinary proceedings are not completed within nine (9) months as indicate above, the disciplinary proceedings against the Writ Petitioner shall stand automatically quashed. Needless to state, that the disciplinary authority shall follow the Principles of Natural Justice during the enquiry process. It is made clear that this Court has not expressed anything on the merits of the case”.

Despite the above said direction, the respondents have not concluded the proceedings within the stipulated time and now, the respondents have not released any pensionary benefits. Hence, the writ petition.

The writ petition is filed in the year 2024. However, the respondents have not filed any counter.

Learned Government Pleader requested time to get instructions in this matter.

Considering the request made by the learned Government Pleader, list the matter after two (2) weeks, for getting written instructions, if he fails to get instructions by the next date of hearing, the respondent Nos.1 to 3 are directed to appear before this Court along with records.

//TRUE COPY//

Sd/-B.Chitti Joseph,
DEPUTY REGISTRAR


SECTION OFFICER

↙ To,

1. The Principal Secretary, State of Andhra Pradesh, Revenue Department, Secretariat Buildings, Amaravathi **(FOR APPEARANCE)**.
2. The Chief Commissioner of Land Administrator, D.No.22-19, Floor No.2, Jasti Towers, Vijayawada. **(FOR APPEARANCE)**.
3. The District Collector, Sri Satya Sai District. **(FOR APPEARANCE)**.
4. The Tahsildar, Hindupur, Sri Satya Sai District
5. The Member, Commissionerate of Enquiry, 2nd Floor, Block No.5, Secretariat Building, Amaravathi. (addressee 4 and 5 by **RPAD**)
6. One CC to SRI. K R SRINIVAS Advocate [OPUC]
7. Two CCs to GP FOR REVENUE SERVICES I, High Court of Andhra Pradesh. [OUT]
8. One spare copy

HIGH COURT

DR,J

DATED:28/01/2026

LIST THE MATTER AFTER TWO (2) WEEKS

ORDER

WP.No.27581 of 2024

FOR APPEARANCE

