

**(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)**

FRIDAY, THE THIRTY FIRST DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE

:PRESENT:

**THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY
WRIT PETITION NO: 29748 OF 2025**



Between:

Smt. P Parvathamma, W/o late P.V.Giridhar Rao, D/o Bairagi Naidu, age about 73 years, Occ- Retired employee, R/o D.No.18-320-2, Plot No.34, Santhapalem, China Gadili, near Ration Depot, Visakhapatnam.

...Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Panchayathraj and Rural Development Secretariat Buildings, Velagapudi, Amaravathi - 522241.
2. The Commissioner, Panchayath raj and Rural Employment, State of AP., PVS Icon Building, Tadepalli, Guntur District - 522501
3. The Chief Executive Officer, Zilla Praja Parishad Near Krishna Temple, Maharanipecta-530002 Visakhapatnam, Visakhapatnam District, Andhra Pradesh
4. The Principal Accountant General (A&E), State of Andhra Pradesh, Stalin Central Mall, 7th floor, M.G. Road, Governor Pet, Vijayawada, Andhra Pradesh - 520002
5. The District Treasury Officer, Collector Office Visakhapatnam -531001, Visakhapatnam District, Andhra Pradesh.
6. The Assistant Treasury Officer, Divisional treasury, Main Road, TPT Colony, Balayya Sastri Layout, Seethammadhara, Visakhapatnam Visakhapatnam District-530014, Andhra Pradesh.

...Respondents

WHEREAS the Petitioner above named through her Advocate SRI K V L NARASIMHA RAO presented this 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 declaring the action of the respondents in not settled the retirement benefits and fixation of pension of the petitioner, who retired on attaining of her age of superannuation on 31-01-2011, and the recovery proceedings of the 6th respondent for an amount of Rs. 14,02,839/- from the petitioner vide Rc.No.excess pension/ DST/VSP/2021, dated 03- 06-2025, as illegal, arbitrary and violation of principles of natural justice and consequently set aside the proceedings of the 6th respondent vide Rc.No.excess pension/DST/VSP/2021, dated 03- 06-2025, and direct the respondents to settle the retirement benefits and fix the pension.

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri K V L NARASIMHA RAO Advocate for the Petitioner, and of GP FOR SERVICES I, for the Respondents, directed issue of notice to the Respondents herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. The Principal Secretary, Panchayathraj and Rural Development, State of Andhra Pradesh, Secretariat Buildings, Velagapudi, Amaravathi - 522241.
2. The Commissioner, Panchayathraj and Rural Employment, State of AP., PVS Icon Building, Tadepalli, Guntur District - 522501
3. The Chief Executive Officer, Zilla Praja Parishad Near Krishna Temple, Maharani-peta-530002 Visakhapatnam, Visakhapatnam District, Andhra Pradesh

4. The Principal Accountant General (A&E), State of Andhra Pradesh, Stalin Central Mall, 7th floor, M.G. Road, Governor Pet, Vijayawada, Andhra Pradesh - 520002
5. The District Treasury Officer, Collector Office Visakhapatnam -531001, Visakhapatnam District, Andhra Pradesh.
6. The Assistant Treasury Officer, Divisional treasury, Main Road, TPT Colony, Balayya Sastri Layout, Seethammadhara, Visakhapatnam Visakhapatnam District-530014, Andhra Pradesh.

are be and hereby directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted, on or before 12.12.2025, to which date the case stands posted for hearing.

IA NO: 1 OF 2025

Petition under Section 151 of 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 suspend the proceedings of the 6th respondent vide Rc.No.excess pension/DST/VSP/2021, dated 03-06-2025, pending disposal of WP No. 29748 of 2025, on the file of the High Court.

The Court made the following: ORDER

In the present writ petition, an amount of Rs. 14,02,839/- was sought to be recovered from the petitioner on the ground that the same was erroneously credited into the account of the petitioner, vide proceedings Rc. No. excess pension/DST/VSP/2021, dated 03.06.2025, issued by respondent No. 6.

The petitioner had retired on 31.01.2011 on attaining the age of superannuation and is presently a pensioner. The impugned proceedings do not allege any misrepresentation or fraud on the part of the petitioner in relation to the alleged excess payment of pension.

As held by the Hon'ble Supreme Court in State of Punjab & Others v. Rafiq Masih (White Washer) & Others, (2015) 4 SCC 334, recovery of excess payments made to retired employees, in the absence of misrepresentation or fraud, is impermissible in law.

Accordingly, there shall be a stay of recovery of any amounts from the petitioner. The respondents are directed to continue payment of pension to the petitioner as was being paid earlier, pending further orders.

Issue notice to respondents.

Learned counsel for the petitioner is permitted to takeout personal notice to the respondents through registered post with acknowledgment due and file proof of service in the Registry.

List the matter on 12.12.2025.

//TRUE COPY//

For

SD/- M.SRINIVAS
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Panchayathraj and Rural Development, State of Andhra Pradesh, Secretariat Buildings, Velagapudi, Amaravathi - 522241. (by Special Messenger along with a copy of petition and affidavit)
2. The Commissioner, Panchayathraj and Rural Employment, State of AP., PVS Icon Building, Tadepalli, Guntur District - 522501

3. The Chief Executive Officer, Zilla Praja Parishad Near Krishna Temple, Maharani-peta-530002 Visakhapatnam, Visakhapatnam District, Andhra Pradesh
4. The Principal Accountant General (A&E), State of Andhra Pradesh, Stalin Central Mall, 7th floor, M.G. Road, Governor Pet, Vijayawada, Andhra Pradesh - 520002
5. The District Treasury Officer, Collector Office Visakhapatnam -531001, Visakhapatnam District, Andhra Pradesh.
6. The Assistant Treasury Officer, Divisional treasury, Main Road, TPT Colony, Balayya Sastri Layout, Seethammadhara, Visakhapatnam Visakhapatnam District-530014, Andhra Pradesh. **(Addressees 2 to 6 by RPAD- along with a copy of petition and affidavit)**
7. One CC to SRI. K V L NARASIMHA RAO Advocate [OPUC]
8. Two CCs to GP FOR SERVICES I , High Court of Andhra Pradesh. [OUT]
9. **One spare copy**

PSR

HIGH COURT

VN,J

DATED:31/10/2025

NOTE: List the matter on 12.12.2025.

NOTICE BEFORE ADMISSION

WP.No.29748 of 2025

INTERIM DIRECTION

