



2024:TSHC:25912

[3301]

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

(Special Original Jurisdiction)

**FRIDAY, THE THIRD DAY OF MAY
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SRI JUSTICE PULLA KARTHIK

WRIT PETITION NO: 10799 OF 2024

Between:

G. NARASIMHA RAO, S/o Late Sri Buchaiah, aged about 94 years, Occ Retired School Assistant Grade- I, (Gazetted Head Master) r/o 1- 365, Bheemaram village, K. C. Colony, Via Hasanparthy Mandal, District Warangal.

...Petitioner(s)

AND

1. The State of Telangana, Represented by its Principle Secretary, Education Department, Secretariat, Hyderabad.
2. The Director of School Education, State of Telangana, At Hyderabad.
3. The Regional Joint Director of School Education, Warangal, District Warangal.
4. The Accountant General (A and E), State of Telangana, Hyderabad.

...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 pass an order, or orders, direction or issue a writ more particularly one in the nature of writ of Mandamus, Directing the respondents herein to implement the orders passed by the Andhra Pradesh Administrative Tribunal, Hyderabad in O. A. No. 7297 of 2008 with M. A. No. 2370 of 2009 dated 25- 10- 2010, by releasing full pension, all retirement benefits including arrears of salary in the promotion post on par with the junior of petitioner by named Venkateswar Rao from the date of his promotion till the date of his retirement with all consequential benefits including fixation of pension in the promoted post and other benefits if any of petitioner and consequently declare the action of the respondents herein in not implementing the orders passed by the said A. P. Administrative Tribunal in O. A. No. 7297 of 2008 dated 25- 10- 2010 even after dismissal of writ petition W. P. No. 17804 of 2011 dated 21- 09- 2022 by the Honourable Division Bench of the Honourable High Court of Telangana at Hyderabad, is illegal, arbitrary, violative of Article 14, 21, of the Constitution of India and Telangana Pension Code;



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IA NO: 1 OF 2024

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 pass an order directing the respondents herein release full pension, all retirement benefits including arrears of salary in the promotion post on par with the junior of petitioner by named Venkateswar Rao from the date of his promotion till the date of his retirement with all consequential benefits including fixation of pension in the promoted post and other benefits if any of the petitioner by implementing the orders passed by the Honourable Andhra Pradesh Administrative Tribunal, Hyderabad in O. A. No. 7297 of 2008 with M. A. No. 2370 of 2009 dated 25-10-2010, pending disposal of main W. P.

Counsel for the Petitioner(s): SRI. S CHANDRASEKHAR

Counsel for the Respondents: GP FOR EDUCATION

The Court made the following: ORDER



THE HON'BLE SRI JUSTICE PULLA KARTHIK

WRIT PETITION No.10799 OF 2024

ORDER:

With the consent of both the parties, this writ petition is being disposed of, at the admission stage.

2. The writ petition is filed under Article 226 of the Constitution of India, seeking the following relief:

"...to pass an order or orders, direction or issue a writ more particularly one in the nature of writ of Mandamus Directing the respondents herein to implement the orders passed by the Honourable Andhra Pradesh Administrative Tribunal, Hyderabad in O.A.No.7297 of 2008 with M.A.No.2370 of 2009 dated 25.10.2010, by releasing full pension, all retirement benefits including arrears of salary in the promotion post on par with the junior of petitioner by named Venkateswar Rao from the date of his promotion till the date of his retirement with all consequential benefits including fixation of pension in the promoted post and other benefits if any of petitioner and consequently declare the action of the respondents herein in not implementing the orders passed by the said A. P. Administrative Tribunal in O.A.No.7297 of 2008 dated 25.10.2010 even after dismissal of W.P.No.17804 of 2011 dated 21.09.2022 by the Honourable Division Bench of the Honourable High Court of Telangana at Hyderabad is illegal, arbitrary, violative of Articles 14 and 21 of the Constitution of India and Telangana Pension Code..."



3. Heard Sri S. Chandrasekhar, learned counsel appearing for petitioner, Learned Government Pleader appearing for respondent Nos.1 to 3, and Mr.K. Bala Krishna, learned Standing Counsel appearing for respondent No.4 and perused the record.
4. Learned counsel for the petitioner submits that the petitioner was appointed as Teacher on 09.08.1951. Thereafter, he was promoted to Deputy Inspector of Schools, Warangal East and while he was working in the said post, a charge Memo, dated 18.12.1991, was issued to the petitioner alleging that he has demanded a sum of Rs.500/- as illegal gratification and accepted an amount of Rs.400/- for doing official favour. Thereafter, he was retired from service on attaining the age of superannuation i.e., on 31.01.1992 and after retirement of the petitioner, disciplinary proceedings were finalized and petitioner was imposed with punishment of 20% cut in pension permanently vide G.O.Rt.No.530 Education (SE.Vig.I(1) Department dated 4.8.2007. Aggrieved by the same, petitioner filed O.A.No.7297 of 2008 before Andhra Pradesh Administrative Tribunal at Hyderabad, and the said O.A. was allowed and the impugned G.O.Rt.No.530, dated 04.08.2007 was set aside with a direction to release full pension and all retirement benefits including arrears of salary in the promotion post on par with his junior Venkateswara Rao from the



date of his promotion till the date of his retirement with all consequential benefits including fixation of pension in the promoted post and other benefits. Questioning the said order, the respondents preferred W.P.No.1780 of 2011 before this Court and the same was dismissed on 21.09.2022 confirming the orders of the A.P. Administrative Tribunal. Therefore, petitioner filed the present writ petition seeking to implement the orders passed by the A.P. Administrative Tribunal in O.A.No.7297 of 2008, dated 25.10.2010.

5. In view of the above, the writ petition is disposed of directing the respondents to implement the orders passed by the A.P. Administrative Tribunal in O.A.No.7297 of 2008, dated 25.10.2010 as expeditiously as possible, preferably, within a period of six (6) weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Miscellaneous petitions pending, if any, shall stand closed.

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SD/-MOHD.ISMAIL
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Education Department, Secretariat, Hyderabad.
2. The Director of School Education, State of Telangana, At Hyderabad.
3. The Regional Joint Director of School Education, Warangal, District Warangal.
4. The Accountant General (A and E), State of Telangana, Hyderabad.
5. One CC to SRI/S CHANDRASEKHAR Advocate [OPUC]
6. Two CCs to GP FOR EDUCATION ,High Court for the State of Telangana.
[OUT]
7. Two CD Copies

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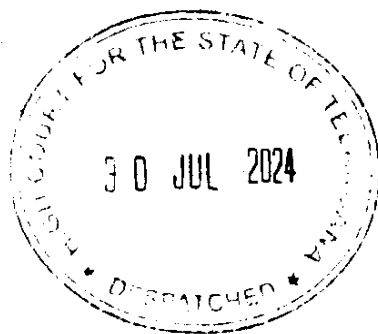
2024:TSHC:25912

HIGH COURT

DATED:03/05/2024

ORDER

WP.No.10799 of 2024



of
DISPOSING THE WRIT PETITION WITHOUT COSTS

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Bms
15/7/24