

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

FRIDAY, THE TWENTIETH DAY OF OCTOBER
TWO THOUSAND AND TWENTY THREE

:PRESENT:

**THE HONOURABLE SRI JUSTICE NAGESH BHEEMAPAKA
WRIT PETITION NO: 5347 OF 2012**

Between:

B.K.Pramod, Hyderabad, S/o.late B.Kistaiah.

Petitioner

AND

1. M/S.Abhyudaya Oriental Evening College,(an aided Degree College) Rep.by its Correspondent ,Jiaguda,Hyderabad
2. The Principal, M/s.Abhyudaya Oriental Evening ,(an aided Degree College), Jiagauda,Hyderabad
3. The Commissioner for Higher Education, Government of Andhra Pradesh, 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 issue a writ of mandamus or any other appropriate writ declaring that the action of the 1st respondent in not making payment of pensionary and terminal benefits to the petitioner consequent upon of his attainment of age of superannuation in the category of Lower division Clerk with effect from 30.4.2010 is arbitrary, and category of Lower Division Clerk with effect from 30.4.2010 is arbitrary, and illegal and direct the 1st respondent to make immediate payment of the pensionary and terminal benefits to the petitioner and grant such other relief as it deems fit and proper in the circumstances of the case

IA NO: 1 OF 2012

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 1st respondent to settle the terminal benefits to the petitioner on his attainment of age of superannuation including pensionary benefits, Pending disposal of WP 5347 of 2012, 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 K. KIRAN MAYEE Advocate for the Petitioner, Sri M VENKAT RAM REDDY for the Respondents and the Court made the following.

The Court made the following:

ORDER:

The present writ petition is filed for the following relief:

“...to issue a writ of mandamus or any other appropriate writ declaring that the action of the 1st respondent in not making payment of pensionary and terminal benefits to the petitioner consequent upon of his attainment of age of superannuation in the category of Lower division Clerk with effect from 30-4-2010 is arbitrary, and category of Lower Division Clerk with effect from 30-4- 2010 is arbitrary and illegal and direct the 1st respondent to make immediate payment of the pensionary and terminal benefits to the petitioner and grant such other relief as it deems fit and proper in the circumstances of the case ...”

Learned counsel for respondent Nos.1 and 2 filed a detailed counter, in para No.5 it is stated as under:

“.....In pursuance to the direction issued by this Court in W.P.No.20813 of 2007, the Writ Petitioner is supposed to join the duty and to attend the duties regularly, but the Writ petitioner though came to the 1st respondent college on 27.01.2009 at 7.30 PM, he left abruptly. I submit that on 29.01.2009 the 1st respondent college received the letter dated 27.01.2009 of the Writ Petitioner and in turn, the 1st respondent college sent a letter dated 02.02.2009 to the Writ Petitioner, wherein the writ petitioner was informed that his application dated 27.01.2009 was forwarded to the 3rd respondent i.e., Director Collegiate Education for taking further action in the matter.

Para No.7 reads as follows:

“.... I submit that, it is not true to contend that there was no action from respondent Nos.1 and 2 for the representation dated 27.01.2009 and the legal notice dated 01.02.2009. In fact, the 1st respondent College sent a letter dated 02.02.2009, wherein the Writ Petitioner was informed that is application dated 27.01.2009 was forwarded to the competent authority i.e., 3rd respondent....”

After hearing arguments elaborately the learned counsel for the petitioner as well as respondents, learned Government Pleader for Higher Education submitted a memo No.WP.5347/2012/Abhydaya(o), dated 29.09.2023, para No.1 of which is as follows:

“....The attention of the Correspondent, Abhudaya Oriental Evening College, Jiyaguda, Hyderabad is invited to the reference read above, and he is informed that vide this office memo 5th read above he was requested to furnish a detailed report as per rules along with Service Book and other related documents for taking further necessary action in the matter without further delay...”

He further submitted proceedings dated 03.10.2023 of Bharatha Abhuydaya Shiksha Samithi Stated which is as under:

“.... With reference to the subject cited, hereby infom you that our college has been closed in the year 2020-2021. We could not trace any record pertaining to the said candidate and the service Registrar of the candidate has already been handed over in your office. The Contempt Case No.165 of 2010 filed in the High Court was also dismissed in the year 2010 itself. This is for your kind information...”

Again learned Government Pleader for Services-I submitted a letter dated 04.10.2023, para No.5 reads as follows:

“.....In the reference 8th cited once again the Correspondent Abhudaya Oriental Evening College, Jiyaguda, Hyderabad is requested to submit the proposals if any as per rules in respect of Sri B.K.Pramod, Ex-Junior Assistant of the college immediately without further delay and to avoid further legal complications in the matter....”

The college has been closed in 2020-2021. Sri M.Venkat Ram Reddy, learned counsel appearing for unofficial respondent submitted that inspite of several calls to the college, none responded. Hence, he expressed his inability in this aspect. Now, learned Senior Counsel submits the Service record of the Writ Petitioner was duly to the learned Government Pleader.

At this juncture, the learned Government Pleader raised his objections saying that it should be submitted before the authorities concerned.

Since the matter is pending from 2012 and there is inordinate delay this Court directs learned counsel for petitioner to submit elaborate representation along with service record to the 3rd respondent-Commissioner for Higher Education, who is directed to process the same within a period of six (06) weeks from the date of receipt of a copy of this order and take a decision accordingly.

List on 01.12.2023.

//TRUE COPY//

SD/-T.JAYASREE
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Correspondent, M/S.Abhyudaya Oriental Evening College,(an aided Degree College),Jiaguda,Hyderabad
2. The Principal, M/s.Abhyudaya Oriental Evening ,(an aided Degree College), Jiagauda,Hyderabad
3. The Commissioner for Higher Education, Government of Andhra Pradesh, Hyderabad (1 to 3 by RPAD)
4. One CC to SRI. K. KIRAN MAYEE Advocate [OPUC]
5. Two CCs to GP FOR HIGHER EDUCATION ,High Court at Hyderabad. [OUT]
6. One CC to SRI. M VENKAT RAM REDDY Advocate [OPUC]
7. One spare copy

HIGH COURT

NBKJ

DATED:20/10/2023

LIST ON 01.12.2023.

ORDER

WP.No.5347 of 2012



DIRECTION