

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

C.C No. of 2025

IN

W.P. No. 34022 of 2022

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Place : Vijayawada,
Date: -08-2025


COUNSEL FOR THE PETITIONER

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**MEMORANDUM OF CONTEMPT CASE FILED UNDER SECTION 10
& 12 OF THE CONTEMPT OF COURTS ACT, 1971
[SPECIAL ORIGINAL JURISDICTION]**

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

C.C.No. OF 2025

IN

W.P. No. 34022 of 2022

Between:

V.Krishnamurthy, S/o. Venkata Swamy,

Aged 62 years, Occ Retired EO Grade-II,

R/o. Kapileswarapuram village, Pamidimukkala Mandal,

Krishna District 521 246

...Petitioner

AND

1. Vadarevu Vinay Chand I.A.S.,
 Principal Secretary,
 Revenue (Endowments) Department,
 Secretariat, Amaravathi,
 Guntur District

2. K.Ramachandra Mohan
 Commissioner,
 Endowments Department,
 Gollapudi, Vijayawada, NTR District

...Respondent

The address for service of all notices and process on the above-named Petitioner is that of his counsel **D V Sasidhar(10944)**,

H.NO.71-4-6. ADJ.Bhaskar studio, Patamata Lanka, Vijayawada, NTR District, Andhra Pradesh- 520010.

It is therefore prayed, that this Hon'ble Court may be pleased to punish the respondent under Sections 10 to 12 of The Contempt of Courts Act, 1971 for willful violation and disobedience of the orders of this Hon'ble Court passed in W.P No. 34022 of 2022 dated 05.12.2024 and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case

AMAVARATHI
04.08.2025


COUNSEL FOR THE PETITIONER.

DISTRICT :: KRISHNA

HIGH COURT OF ANDHRA PRADESH

C.C.No. OF 2025

IN

W.P. No.34022 of 2024

MEMORANDUM OF CONTEMPT
CASE

FILED BY:

SRI D.V.SASIDHAR(10944)

SRI M.V.S. NIKHIL KASHYAP

SRI M.RAGHU NANDAN

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI

C.C No. of 2025

IN

W.P.No. 34022 of 2022

Between:

V.Krishnamurthy, S/o. Venkata Swamy,
Aged 62 years, Occ Retired EO Grade-II,
R/o. Kapileswarapuram village, Pamidimukkala Mandal,
Krishna District 521 246

...Petitioner

AND

1. Vadarevu Vinay Chand I.A.S.,
Principal Secretary,
Revenue (Endowments) Department,
Secretariat, Amaravathi,
Guntur District

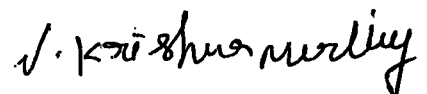
2. K.Ramachandra Mohan
Commissioner,
Endowments Department,
Gollapudi, Vijayawada, NTR District

...Respondent

AFFIDAVIT FILED BY THE PETITIONER

I, V.Krishnamurthy, S/o. Venkata Swamy, aged 62 years, Occ :
Retired EO Grade-II, R/o. Kapileswarapuram village, Pamidimukkala
Mandal, Krishna District 521 246, now having temporarily come down to
Amaravathi, do hereby solemnly affirm and sincerely state on oath as
follows:

1. I submit that, I am the petitioner and deponent herein and as such
I am well acquainted with the facts of the case.
2. I submit that, I have filed W.P. No. 34022 of 2022 challenging the
action of the respondents in not releasing the petitioner retirement
benefits as per GORt. No. 667 dated 16.08.2022 as bad illegal
arbitrary insubordination absurd and violative of Articles 14, 21, &

300-A of Constitution of India and consequently direct the respondents to forthwith release all the retirement benefits complying the GORt. No. 667 dated 16.08.2022.

3. I submit that, this Hon'ble Court was pleased to dispose of the WP No. 34022/2022 on 05.12.2024, observing as follows:
"7. Having regard to the facts and circumstances of the case and on considering the submissions of learned counsel for the petitioner, it is observed that, this Court has already passed interim direction in WP No.1057 of 2022 but the respondents have not complied with the same till date. Therefore, without touching the merits of the case, this Court is inclined to dispose of the writ petition, while directing the 2nd respondent to release all the petitioner's retirement benefits in pursuance of G.O.Ms.No.667 dated 16.8.2022, within a period of two (02) months from the date of receipt of a copy of this order".
4. I submit that, thereafter I have submitted a representation on 13.12.2024 by enclosing a copy of the order dated 05.12.2024 of this Hon'ble court and requested the respondent authorities to comply the orders of this Hon'ble Court. However, till date the respondent has not complied with the orders of this Hon'ble Court and I am running after office of the respondent from pillar to post but nothing is forthcoming even after lapse of this much long time, as such the present contempt case filed.
5. I submit that it is not out of place to submit that I have also challenged the charge memo issued to vide Go.RT NO.713 of 11-11-2021 and the said writ petition was allowed on 30-01-2025 and there are no charges pending against me as on today, but still my retirement benefits are not paid as on today. I have already got my one leg amputated because of high diabetics and I am not



Krishna Murthy

keeping well also, because of the non-payment of the benefits I have taken hand loans and surviving. Actually I have filed the writ petition for release of benefits for treatment of my wife cancer, but because of no monies for her treatment she died. Now I am living in a pathetic situation because of the inaction of the respondent authorities.

6. I submit that, the action of the respondent is not only arbitrary but amounts to clear violation of the orders of this Hon'ble Court. The respondent, despite being aware of the directions, have deliberately chosen to contravene the same. This act of the respondents clearly establishes that he is willfully flouting the orders of this Hon'ble Court. Hence the present contempt case.+
7. I submit that the respondent does not have any respect towards the orders of this Hon'ble Court and he is willfully and wantonly violating the orders, as such he is liable for punishment under the Contempt of Courts Act.

It is therefore prayed, that this Hon'ble Court may be pleased to punish the respondent under Sections 10 to 12 of The Contempt of Courts Act, 1971 for willful violation and disobedience of the orders of this Hon'ble Court passed in W.P No. 34022 of 2022 dated 05.12.2024 and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

V. Krishna Murthy

Solemnly affirmed and signed
on this the day of July 2025,
at Vijayawada


[Signature]
BEFORE ME

ADVOCATE: VIJAYAWADA

[Signature]

VERIFICATION

I, V.Krishnamurthy, S/o. Venkata Swamy, Hindu, Aged 62 years, Occ: Retired EO Grade-II, R/o. Kapileswarapuram village, Pamidimukkala Mandal, Krishna District 521 246, now having temporarily come down to Amaravathi, do hereby verify and state that the contents of the affidavit filed are true to my personal knowledge, based on information, record, and believed to be correct on legal advice. Verified on this the day of July, 2025, at Vijayawada.

D.V. 
ADVOCATE

V. Krishna Murthy.
DEPONENT

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

THURSDAY, THE FIFTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT



THE HONOURABLE DR JUSTICE K MANMADHA RAO

WRIT PETITION NO: 34022 OF 2022

Between:

1. V. Krishnamurthy, S/o. Venkata Swamy, Hindu, aged 61 years, Occ Retired EO-Grade-II R/o. Kapileshwaram Puram Village, Pamidimukkala Mandal, Krishna District - 521 246.

...PETITIONER

AND

1. State of Andhra Pradesh, Rep. by the Principal Secretary, Revenue (Endowments) Department, Velgapudi, Amaravathi, Guntur District.
2. The Commissioner, Endowments Department, Gollapudi, Vijayawada, NTR District.
3. The Deputy Commissioner, Endowments Department, Guntur District.
4. The Assistant Commissioner, Endowments Department, Guntur District.
5. M.Srinivasa Reddy, S/o. Not know to the petitioner, Aged about 48 years, Occ. E-Section Superintendent, O/o. The Commissioner Endowments Department, Gollapudi, Vijayawada, NTR District

...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 pray that this Hon'ble 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 releasing the petitioner retirement benefits as per G.O. Rt. No.667 dated 16-8-2022 as bad, illegal, arbitrary, insubordination, absurd and violative of Articles 14, 21 86 300A of Constitution of India and consequently direct the respondents to forthwith release all the retirement benefits complying the G.O. Rt. No.667 dated 16-8-2022

IA NO: 1 OF 2022

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 respondents to forthwith release the retirement benefits as per G.O.Rt.No.667 dated 16-8-2022

Counsel for the Petitioner(s): SRI. D V SASIDHAR /

Counsel for the Respondents 1 TO 4: GP FOR ENDOMENTS /

Counsel for the Respondents 5 : -----

The Court made the following: ORDER

APHC010558642022



IN THE HIGH COURT OF ANDHRA PRADESH

AT AMARAVATI

[3310]

(Special Original Jurisdiction)

THURSDAY, THE FIFTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE DR JUSTICE K MANMADHA RAO

WRIT PETITION NO: 34022/2022

Between:

V. Krishnamurthy,

...PETITIONER

AND

State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1.D V SASIDHAR

Counsel for the Respondent(S):

1.GP FOR SERVICES II

The Court made the following:

ORDER :

This writ petition is filed under Article 226 of the Constitution of India for the following relief :

".....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 releasing the petitioner retirement benefits as per G.O.Rt.No 667, dated 16.8.2022 as bad illegal arbitrary insubordination absurd and violative of Articles 14 21 86 300A of Constitution of India and consequently direct the respondents to forthwith release all the retirement benefits complying the G O Rt No 667 dated 16.8.2022 and pass...."

2. The grievance of the petitioner is that he was appointed as Junior Assistant in the year 1990. Thereafter he was promoted as Senior Assistant in the year 2001. He was given appointment by transfer as Executive Officer - Grade II in the year 2008 and since then he is working as such. After attaining the age of superannuation, the petitioner has retired from service on 31.8.2020. Thereafter, the petitioner has submitted all the relevant papers seeking release of his retirement benefits including the pension commutation. Later, the 4th respondent has released only encashment of Earned Leave and kept on hold all the other retirement benefits for the reasons best known to them. As such the petitioner earlier filed WP No.2557 of 2021 before this Court. It is further stated that, without issuing any charge memo or whatsoever, as an afterthought, the Charge Memo i.e., G.O.Rt.No.713 dated 11.11.2021 was issued. Challenging the same, the petitioner has filed WP No.1057 of 2022 and this Court has granted interim suspension. For non-compliance of the orders of this Court by the respondents, the petitioner preferred C.C No.2178 of 2022 and the same was also dismissed with liberty to pursue the remedies as payments of retirements benefits is totally different cause of action. Thereafter, the 1st respondent issued G.O.Rt.No.667 dated 16.8.2022. Thereafter the petitioner made a representation dated 17.8.2022 to the 2nd respondent requesting to release all his retirement benefits as per the said GO. But the 2nd respondent has not taken any steps so far. Hence, the present writ petition.

3. Heard Sri D.V. Sasidhar, learned counsel appearing for the petitioner and learned Government Pleader for Services-II appearing for the respondents.

4. On hearing, learned counsel for the petitioner while reiterating the averments made in the petition, requests this Court to issue a direction to the 2nd respondent to consider the case of the petitioner for releasing all the retirement benefits.

5. Per contra, learned Government Pleader appearing for the respondents, opposed for allowing the writ petition and prayed to dismiss the same.

6. As seen from the G.O.Ms.No.667 Revenue (Vigilance-IV) Department, dated 16.8.2022, wherein it was stated that :

"....Government after careful examination of the entire case and as per the report received in the reference 7th read above, it is decided and ordered to release all the Pensionary benefits which are due to Sri V.Krishna Murthy, Executive Officer, Grade-II subject to outcome of final orders of the Hon'ble High Court and subject to recovery of pecuniary loss caused by him to the Temple if any, in terms of Rule 9 (7) of AP Revised Pension Rules, 1980."

7. Having regard to the facts and circumstances of the case and on considering the submissions of learned counsel for the petitioner, it is observed that, this Court has already passed interim direction in WP No.1057 of 2022 but the respondents have not complied with the same till date. Therefore, without touching the merits of the case, this Court is inclined to dispose of the writ petition, while directing the 2nd respondent to release all the

petitioner's retirement benefits in pursuance of G.O.Ms.No.667 dated 16.8.2022, within a period of two (02) months from the date of receipt of a copy of this order.

8. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.. As a sequel, interlocutory applications, if any pending, shall stand closed.

//TRUE COPY//

Sd/- A. VENUGOPAL RAO
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. State of Andhra Pradesh, Rep. by the Principal Secretary, Revenue (Endowments) Department, Velgapudi, Amaravathi, Guntur District. ✓
2. The Commissioner, Endowments Department, Gollapudi, Vijayawada, NTR District. ✓
3. The Deputy Commissioner, Endowments Department, Guntur District. ✓
4. The Assistant Commissioner, Endowments Department, Guntur District. ✓
5. M.Srinivasa Reddy, S/o. Not know to the petitioner, Aged about 48 years, Occ. E-Section Superintendent, O/o. The Commissioner Endowments Department, Gollapudi, Vijayawada, NTR District. ✓
6. One CC to SRI. D V SASIDHAR Advocate [OPUC] ✓
7. Two CCs to Endowments II, High Court Of Andhra Pradesh. [OUT] ✓
8. THREE CD COPIES

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HIGH COURT

DATED:05/12/2024

ORDER

WP.No.34022 of 2022



DISPOSING THE WP WITHOUT COSTS

MEMORANDUM OF WRIT PETITION
(UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA)
IN THE HIGH COURT OF ANDHRA PRADESH AT : AMARAVATHI.

W.P.No. 340 of 2022

Between:

V. Krishnamurthy, S/o. Venkata Swamy,
Hindu, aged 61 years, Occ: Retired EO-Grade-II
R/o. Kapileshwaram Puram Village,
Pamidimukkala Mandal,
Krishna District - 521 246.

...Petitioner

AND

1. State of Andhra Pradesh,
Rep. by the Principal Secretary,
Revenue (Endowments) Department,
Velgapudi, Amaravathi,
Guntur District.
2. The Commissioner,
Endowments Department,
Gollapudi, Vijayawada,
NTR District.
3. The Deputy Commissioner,
Endowments Department,
Guntur District.
4. The Assistant Commissioner,
Endowments Department,
Guntur District.
5. M.Srinivasa Reddy,
S/o. Not know to the petitioner,
Aged about 48 years,
Occ. E-Section Superintendent,
O/o. The Commissioner Endowments Department,
Gollapudi, Vijayawada, NTR District.

...Respondents

The address for service of notices, process etc., on the above-named petitioner is that of his Counsel Sri D.V. Sasidhar (10944), Advocate, H.No.72-3-6, Patamata, Vijayawada, Krishna District.


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For the reasons stated in the accompanying affidavit filed in the support of the above writ petition, It is therefore prayed that this Hon'ble 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 releasing the petitioner retirement benefits as per G.O. Rt. No.667 dated 16-8-2022 as bad, illegal, arbitrary, insub-ordination, absurd and violative of Articles 14, 21 & 300A of Constitution of India and consequently direct the respondents to forthwith release all the retirement benefits complying the G.O. Rt. No.667 dated 16-8-2022 and pass such other order or orders in the interest of the justice.

AMARAVATHI
Date: 17.10.2022


COUNSEL FOR THE PETITIONER

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DISTRICT :: KRISHNA

IN THE HIGH COURT OF
ANDHRA PRADESH AT
AMARAVATI

W.P. No. of 2022

WRIT PETITION

Filed on: 17.10.2022

FILED BY:

SRI D.V.SASIDHAR(10944)

Advocate

COUNSEL FOR THE PETITIONER

15/1

17

6

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI

W.P.No. 34022 of 2022

Between:

V. Krishnamurthy, S/o. Venkata Swamy,
Hindu, aged 61 years, Occ: Retired EO-Grade-II
R/o. Kapileshwaram Puram Village,
Pamidimukkala Mandal,
Krishna District - 521 246.

...Petitioner

AND

1. State of Andhra Pradesh,
Rep. by the Principal Secretary,
Revenue (Endowments) Department,
Velgapudi, Amaravathi,
Guntur District.
2. The Commissioner,
Endowments Department,
Gollapudi, Vijayawada,
NTR District.
3. The Deputy Commissioner,
Endowments Department,
Guntur District.
4. The Assistant Commissioner,
Endowments Department,
Guntur District.
5. M.Srinivasa Reddy,
S/o. Not know to the petitioner,
Aged about 48 years,
Occ. E-Section Superintendent,
O/o. The Commissioner Endowments Department,
Gollapudi, Vijayawada, NTR District. ...Respondents

AFFIDAVIT

I, V. Krishnamurthy, S/o. Venkata Swamy, Hindu, aged 61
years, Occ: Retired EO-Grade-II, R/o. Kapileshwaram Puram Village,
Pamidimukkala Mandal, Krishna District - 521 246, having

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temporarily come down to Amaravathi, do hereby solemnly affirm and sincerely state on oath as follows:

1. I am the petitioner and the Deponent herein as such I am well acquainted with the facts of the case.
2. It is submitted that the present writ petition is filed challenging the action of the respondents in not releasing the retirement benefits as G.O. Rt. No.667 dated 16-8-2022 as bad, illegal, arbitrary, without jurisdiction, violative of principles of natural justice and Articles 14, 21 & 300A of Constitution of India.
3. I submit that I was appointed as Junior Assistant in the year 1990. Thereafter I was promoted as Senior Assistant in the year 2001. While working as such, I was given appointment by transfer as Executive Officer – Grade II in the year 2008. Since then I am working as Executive Officer, Grade II.
4. I submit that after attaining the age of superannuation, I have retired from services on 31.8.2020, thereafter I have submitted all the relevant papers seeking release of my retirement benefits including the pension commutation. The 4th respondent has only released encashment of earned leave and kept on hold all the other retirement benefits for the reasons best known to them. As such I have filed W.P. No.2557 of 2021 and the same is pending.

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5. I submit that after allowing me to retire from my services, without issuing any charge memo or whatsoever, as an afterthought, the charge memo i.e., G.O. Rt.713 dated 11-11-2021 was issued. Challenging the same I have filed W.P.No. 1057 of 2022 and interim suspension orders are granted to me. Thereafter I have filed C.C.No. 2178 of 2022 and the same was dismissed with liberty to pursue the remedies as payments of retirements benefits is totally different cause of action.
6. I submit that thereafter the 1st respondent issued G.O.Rt.No.667 dated 16-8-2022 directing the Commissioner Endowments to release all the retirements benefits due to me. Thereafter I have submitted representation on 17-8-2022 to the 2nd respondent requesting to release all my retirement benefits as per the above G.O. thereafter the Commissioner issued memo dated 17-8-2022 directing the concerned E-section to release all the pensionary benefits.
7. I submit that the copy was directed to served on me by the 3rd respondent to me vide proceeding dated 18-8-2022, through respondent No.4 the Assistant Commissioner through Executive Officer, Seta Nagaram Group served the proceedings vide orders dated 22-8-2022.
8. I submit that after receipt of the above orders I have approached the concerned E-Section 2nd respondent office to

release all my retirement benefits as per the above G.O. of the 1st respondent and proceedings of the 2nd respondent, the E-Section Superintendent i.e., 5th respondent namely M.Srinivasa Reddy, has sought 50% of retirement benefits as bribe to release the retirement benefits to me.

9. I submit that because of high diabetes my right leg got fully decayed and because of the infection leg is on the verge of the amputation. My wife is in the 3rd stage of cancer and except my wife I don't have any legal heirs or children to enjoy my retirement benefits. Unless at present the retirement benefits release to me I will be put to irreparable loss and injury, hence the present writ petition is filed.
10. It is humbly submitted that the petitioner has no other alternative and efficacious remedy except to approach this Hon'ble Court under Article 226 of constitution of India.
11. It is submitted that the petitioner has not filed any suit, application or petitions before any court of law and I have not sought for any similar relief.

In the facts and circumstances mentioned above, it is therefore prayed that this Hon'ble 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 releasing the petitioner retirement benefits



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as per G.O. Rt. No.667 dated 16-8-2022 as bad, illegal, arbitrary, insub-ordination, absurd and violative of Articles 14, 21 & 300A of Constitution of India and consequently direct the respondents to forthwith release all the retirement benefits complying the G.O. Rt. No.667 dated 16-8-2022 and pass such other order or orders in the interest of the justice.

Pending disposal of the writ petition, it is therefore prayed that this Hon'ble Court may be pleased to direct the respondents to forthwith release the retirement benefits as per G.O.Rt.No.667 dated 16-8-2022 and pass such other order or orders as this Hon'ble Court may deem fit and proper.

Solemnly affirmed and signed before
me on this the day of October, 2022,
at Vijayawada.

DEPONENT

Advocate : Vijayawada

VERIFICATION

I, V. Krishnamurthy, S/o. Venkata Swamy, Hindu, aged 61 years, Occ: Retired EO-Grade-II, R/o. Kapileshwaram Puram Village, Pamidimukkala Mandal, Krishna District - 521 246, having temporarily come down to Amaravathi, do hereby declare that the contents in the above paragraphs are true and correct to the best of my knowledge and belief, hence verified on this the day of October, 2022 at Amaravathi.

Advocate

Deponent

TH

To,

1. Principal Secretary,
Revenue (Endowments) Department,
Secretariat, Velgapudi, Amaravathi,
Guntur District.
2. The Commissioner,
Endowments Department,
Gollapudi, Vijayawada,
NTR District

Respected Sir,

I, V.Krishna Murthy, Retired E.O., Gr-II, do hereby submit the following representation:

I submit that, my retirement benefits have not released as such I have filed WP No. 34022/2022 and the said WP was allowed. I have even filed WP No. 1057/2022 challenging framing charges after my retirement and the said WP is allowed on 30.01.2025.

Hence, in the above mentioned circumstances, I request your good authority to kindly release all my retirement benefits as already my one leg is amputated pending litigation and my wife died with cancer, even after successful in all my cases my retirement benefits are not paid during my life time if all my retirement benefits are released it will be useful during my fag end.

Place : Vijayawada
Date : 19.02.2025

Yours Faithfully,


V.Krishna Murthy

Encls :

1. Copy of orders in WP No. 34022/2022
2. Copy of orders in WP No. 1057/2022

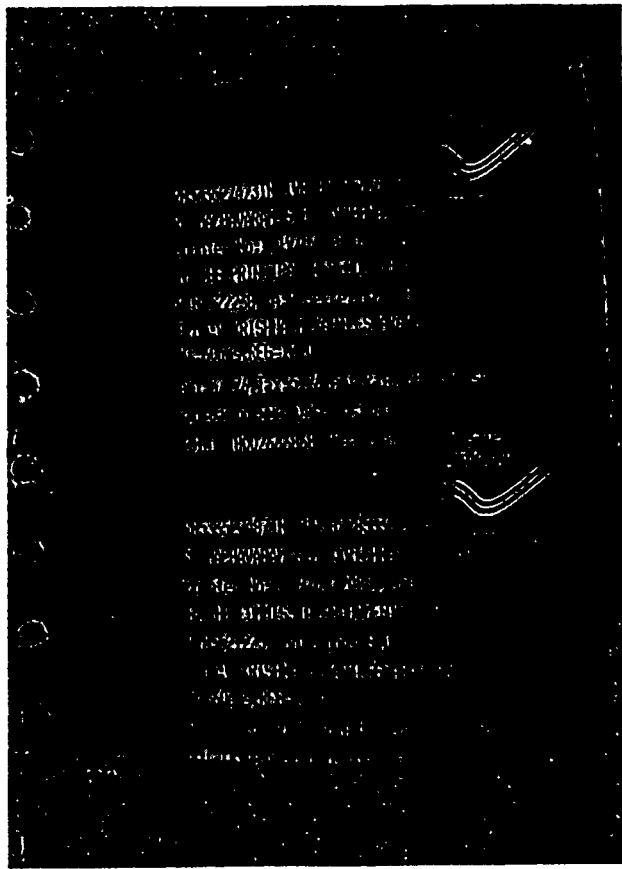




Ramu Hc Jagadish
Today at 18:11



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IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF JANUARY

TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE DR JUSTICE K MANMADHA RAO

WRIT PETITION NO: 1057 OF 2022



Between:

V. Krishnamurthy, S/o. Venkata Swamy, Hindu, aged 60 years, Occ:
Retired EO-Grade-II R/o. Kapileshwaram Puram Village, Pamidimukkala
Mandal, Krishna District - 521 246.

...PETITIONER

AND

1. The State of Andhra Pradesh, Rep. by the Principal Secretary, Revenue (Endowments) Department, Velgapudi, Amaravathi, Guntur District.
2. The Commissioner, Endowments Department, Gollapudi, Vijayawada, Krishna District.
3. The Assistant Commissioner, Endowments Department, Guntur District.

...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 an appropriate writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the 1st respondent in issuing G.O. Rt. No.713 dated 11-11-2021 framing seven (7) charges against the petitioner as bad, illegal, arbitrary, without jurisdiction, violative of principles of natural justice and Articles 14, 21 & 300A of Constitution of India and consequently set aside the same.

IA NO: 1 OF 2022

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 respondents to forthwith release the retirement benefits without reference to the charge memo i.e., G.O. Rt. No.713 dated 11-11-2021.

IA NO: 2 OF 2022

Between:

1. The State of Andhra Pradesh, Rep. by the Principal Secretary, Revenue (Endowments) Department, Velgapudi, Amaravathi, Guntur District.

**...PETITIONER/
RESPONDENTS**

AND

1. V. Krishnamurthy, S/o. Venkata Swamy, Hindu, aged 60 years, Occ: Retired EO-Grade-II R/o. Kapileshwaram Puram Village, Pamidimukkala Mandal, Krishna District - 521 246.

...RESPONDENT/WRIT PETITIONERS

2. The Commissioner, Endowments Department, Gollapudi, Vijayawada, Krishna District.
3. The Assistant Commissioner, Endowments Department, Guntur District.
(Respondents 2 to 3 are formal parties)

...RESPONDENTS/RESPONDENTS

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 vacate the interim orders in W.P.No.1057/ 2022, in I.A. No. 1 of 2022, dated 17-01-2022 and dismiss the Writ Petition.

Counsel for the Petitioner: SRI D. V. SASIDHAR

Counsel for the Respondent Nos.1 to 3: GP FOR SERVICES II

The Court made the following: ORDER



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

[3310]

THURSDAY, THE THIRTIETH DAY OF JANUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE DR JUSTICE K MANMADHA RAO

WRIT PETITION NO: 1057/2022

Between:

V Krishnamurthy

...PETITIONER

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1.D V SASIDHAR

Counsel for the Respondent(S):

1.GP FOR SERVICES II

The Court made the following Order:

The Writ Petition is filed under Article 226 of the Constitution of India,
seeking the following relief:

".....to issue an appropriate Writ, Order or Direction more particularly one in the nature of Writ of Mandamus to declaring the action of the 1st respondent in issuing G.O.Rt.No.713, dated 11-11-2021 framing seven (7) charges against the petitioner as bad, illegal, arbitrary, without jurisdiction, violative of principles of natural justice and Articles 14, 21 & 300A of Constitution of India and consequently set aside the same...."

2. Brief facts of the case are that the petitioner was appointed as Junior Assistant in the year 1990. Thereafter, the petitioner was promoted as Senior Assistant in the year 2001. Thereafter, the petitioner was given appointment by transfer as Executive Officer-Grade II in the year 2008. After attaining the age of superannuation, the petitioner retired from services on 31.08.2020. Hence, the petitioner submitted all the relevant papers seeking release of retirement benefits including the pension commutation. The 3rd respondent has only released encashment of earned leave and kept on hold all the other benefits. Aggrieved by the same, the petitioner filed W.P.No.2557 of 2021 and the same is pending. While things stood thus, the 1st respondent issued the impugned proceedings vide G.O.Rt.No.713, dated 11-11-2021 framing seven charges and the main sum and substance of G.O.Rt.No.713 is that the petitioner has not handed over the charge officially/technically to his successor. Aggrieved by the same, the present writ petition has been filed.

3. This Court, vide order, dated 17.01.2022, has granted interim suspension of G.O.Rt.No.713, dated 11.11.2021, until further orders.

4. The 1st respondent filed counter affidavit denying the allegations made in the writ petition and stated that, Seethanagaram Group Temples represented by Executive Officer, Seethanagaram, Guntur district is not shown as party to the writ petition. It is further stated that the Executive Officer, Nuthakki Group temples, Guntur district was posted as Relieving

Officer vide Commissioner's Proceedings in Rc.No.E2/15022/4/2020-2, dated 27.08.2020 to the petitioner herein. The Executive Officer vide Lr.No.Nil/2020, dated 06.11.2020 has submitted a report to the 3rd respondent herein stating that the petitioner has not handed over the Gold, Silver Jewellery, DCB Register, lease files, vouchers, FDRs worth of Rs.2,67,000/-, etc.. to the present Executive Officer and requested the 3rd respondent to take necessary action. The 3rd respondent directed the Inspector, Endowments Department, Guntur to verify and submit a report in this matter. Accordingly, the Inspector, Endowments Department, Guntur has submitted a report vide Lr.No.Nil/2020, dated 02.01.2021 to the 3rd respondent. Thereafter, after thorough enquiry, the 3rd respondent submitted a report to the 2nd respondent vide Lr.in.Rc.No.A6/4556/2020, dated 03.02.2021 stating that the petitioner has not handed over the charge of Gold, Silver Jewellery, has not updated the DCB register and when verified found that nearly 500 bags of paddy relating to 2006-2007 were not brought forward over to later period. Basing on the report of 3rd respondent, the 2nd respondent has submitted a report to the 1st respondent and the 1st respondent vide Memo No.REV01-ENDW/383/2021-VIG-IV, dated 17.09.2021 requested the 2nd respondent to furnish the draft articles of charges to Government within a fortnight and requested to take urgent action to recover amount from the persons responsible including the Retired Executive Officer and submit compliance. The Government vide

G.O.Ms.No.251, Revenue (Vig.IV) Department, dated 20.09.2021 under sub-clause (i) of clause (b) of sub-rule(2) of Rule 9 of Revised Pension Rules, 1980 sanctioned permission to initiate departmental proceedings against the petitioner, who retired from service on 31.08.2020 and directed that the said departmental proceedings shall be conducted in accordance with procedure laid down under Rule 20 of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991. After following the contemplated procedure under law, the 1st respondent vide G.O.Rt.No.713, Revenue (Vigilance-IV) Department, dated 11.11.2021 has framed seven (7) articles of charges against the petitioner and directed to submit written statement of defence, if any within ten days from the date of receipt of order. The said G.O. has been communicated by the 2nd respondent to the petitioner vide Memo in Rc.No.V3/20026/10/2021, dated 24.11.2021 through the 3rd respondent.

5. Reply affidavit was filed by the petitioner stating that the Executive Officer, Sitaram Group is not a necessary party to the present writ petition. It is further stated that the 1st respondent without verifying the material papers at pages 24 to 37 filed along with writ affidavit, which are the documents showing that the petitioner has handed over the charge to the executive officer, making allegations that the petitioner has not handed over the charge. It is further stated that the FDR of Rs.2,67,000/- was taken over by D.C.H.Venkata Reddy on 31.08.2020 and acknowledgment was also given by

him. It is further stated that, after the retirement of the petitioner on 31.08.2020, the internal communications were made by the authorities on 17.09.2021, 12.10.2021 and thereafter the communication was made to the petitioner on 08.11.2021 regarding the imputation of charges dated 11.11.2021 vide G.O.Rt.No.713 framed against the petitioner. It is further stated that coming to handing over the charge relating to Gold and Silver are concerned, the same were the ornaments decorated to deities and they were never taken from the Archakas as they are sacred one. The Archakas have given statements that the gold and silver are available with them. It is further stated that the petitioner worked in the said temple from 01.09.2019 to 31.08.2020. In fact, the said temple was closed from 21.03.2020 to 31.08.2020 till retirement of the petitioner because of Covid-19. The vouchers were handed over along with cash book and the same was acknowledged, but while taking the charge on 31.08.2020, no such endorsement was made. It is further stated that the Inspector in his report dated 02.01.2021 has categorically stated that DCB register is only up to 2018-19 and not up to date and without considering the same, the deposit amounts were refunded without any arrears. The FDR also taken by D.C.H.Venkata Reddy on 31.08.2021 and the same was also acknowledged. Therefore, prays to allow the writ petition.

6. Heard Mr.D.V.Sasidhar, learned counsel for the petitioner and learned Assistant Government Pleader for Services-II, for the respondents.

7. On hearing, learned counsel for the petitioner while reiterating the contents urged in the writ petition, submits that, the petitioner has handed over the entire charge to the successor on 31.08.2020, what the petitioner was received at the time of appointment of Executive Officer on 18.07.2019. If there are any discrepancies relating to entries in DCB register, prior to petitioner taking of charge, the petitioner cannot be responsible for the same. It is the predecessor who is responsible for the same. He further submits that, Rule 9(1) of the Revised Pension Rules prescribes that State Government can withhold pension or gratuity full and part. In case, the petitioner causes any pecuniary loss to the Government and to the local authority, if any department or judiciary proceedings the pensioner is found guilty of grave misconduct or negligence during the period of his service, including service rendered upon re-employment after retirement. He further submits that, Rule 9(2)(a) of the Revised Pension Rules mentions that the departmental proceedings referred in Sub-Rule (1) whether before retirement or during reemployment shall after retirement, deemed to the proceedings initiated under this Rule and shall continue. He further submits that, Rule 9(2)(b) is concerned is continuation of Rule 9(1) and (2)(a). If any departmental proceedings with regard to the offences mentioned under Rules 9(1) i.e., grave misconduct or negligence during the period of his service, the departmental proceedings can be instituted with the sanction of the

Government and the same shall not be event which took place prior to four years before such institution. He further submits that it is not the case that during the service of the petitioner and before retirement, charges are framed, but the charges were framed on 11.11.2021 and the petitioner was retired from service on 31.08.2020, as such the charges are framed after a lapsed of around 15 months, which is illegal, arbitrary, void and liable to be quashed.

8. To support his contention, learned counsel for the petitioner has placed reliance on the decision of the Hon'ble Supreme Court reported in **State Bank of India and others Vs. Navin Kumar Sinha¹**, wherein the Hon'ble Apex Court held as follows:

"As has been held by this Court on more than one occasion, a subsisting disciplinary proceeding i.e., one initiated before superannuation of the delinquent officer may be continued post superannuation by creating a legal fiction of continuance of service of the delinquent officer for the purpose of conclusion of the disciplinary proceeding (in this case as per Rule 19(3) of the Service Rules). But no disciplinary proceeding can be initiated after the delinquent employee or officer retires from service on attaining the age of superannuation or after the extended period of service."

Therefore, learned counsel for the petitioner while relying upon the decision of the Hon'ble Supreme Court, prays to allow the writ petition.

9. Per Contra, learned Assistant Government Pleader while reiterating the contents made in the counter affidavit, submits that, it is not the case of the petitioner that the Government has initiated departmental

¹ 2024 INSC 874

proceedings against him after four years of his retirement. Admittedly, the charges seven in number framed against the petitioner by the Government vide G.O.Rt.No.713, dated 11.11.2021 are happened on the date of his retirement i.e., 31.08.2020 on attaining the age of superannuation. The action initiated by the Government against the petitioner just one year after his retirement. As per Sub-Clause (i) of Clause (b) of Sub-Rule (2) of Rule 9 of A.P., Revised Pension Rules 1980, the Government i.e., the 1st respondent herein is competent to accord sanction to initiate Departmental Enquiry against retired Government Servant and to take such action against him. The petitioner has not challenged G.O.Ms.No.251, Revenue (Vig.IV) Department, dated 20.09.2021 wherein sanction was accorded to initiate departmental proceedings against the petitioner, who retired from service on 31.08.2020. He further submits that, Rule 9 of Andhra Pradesh Revised Pension Rules, 1980 is important for consideration which envisages right of Government to withhold or withdraw pension and clause (b) of sub-rule (2) held as *"the departmental proceedings if not initiated while the Government servant was not in service, whether before his retirement or during his re-employment (a)shall not be instituted save the sanction of the Government (b)shall not be in respect of any event which to place more than (4) years before such institution."* Hence, as per the rule position, the G.O.Rt.No.713, dated

11.11.2021 is valid and legal. Therefore, learned Assistant Government Pleader prays to dismiss the writ petition.

10. Perused the record.

11. On a perusal of the material on record, this Court observed that, the petitioner was given appointment by transfer as Executive Officer-Grade II in the year 2008 and the petitioner was retired from the service on 31.08.2020 after attaining the age of superannuation. After the retirement of the petitioner, the 1st respondent vide G.O.Rt.No.713, dated 11.11.2021 framed seven charges against the petitioner.

12. In *SBI Vs. C.B.Dhall*² regarding Rule 20B of disciplinary proceedings, the Hon'ble Apex Court held thus:

"Under Rule 20-B disciplinary proceedings if initiated against an employee before he retires from service could be continued and concluded even after his retirement and for the purpose of conclusion of the disciplinary proceedings, the employees is deemed to have continued in service but for no other purpose."

13. Having regard to the facts and circumstances of the case and on considering the submissions of both the learned counsels and also the law laid down by the Hon'ble Supreme Court in *Navin Kumar Sinha's* case (stated supra), this Court is of the opinion that, no disciplinary proceeding can be initiated after the delinquent employee or officer retires from service on

² 1998 (2) SCC 544

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attaining the age of superannuation or after the extended period of service.
Hence, this Court is inclined to allow the writ petition setting aside the impugned G.O.Rt.No.713, dated 11.11.2021 issued by the 1st respondent.

14. Accordingly, the Writ Petition is allowed. The impugned G.O.Rt.No.713, Revenue (Vigilance-IV) Department, dated 11.11.2021 issued by the 1st respondent is hereby set aside. No costs.

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

That Rule Nisi has been made absolute as above. Witness the Hon'ble the Chief Justice Sri Dhiraj Singh Thakur on this Thursday, Thirtieth day of January, Two Thousand and Twenty Five.

Sd/- P.U.V.BHASKAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Revenue (Endowments) Department, State of Andhra Pradesh, Velgapudi, Amaravathi, Guntur District.
2. The Commissioner, Endowments Department, Gollapudi, Vijayawada, Krishna District.
3. The Assistant Commissioner, Endowments Department, Guntur District.
4. One CC to Sri D. V. Sasidhar, Advocate [OPUC]
5. Two CCs to GP for Services- II, High Court of Andhra Pradesh. [OUT]
6. Three CD Copies.

ssb

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HIGH COURT

DATED:30/01/2025



ORDER

WP.No.1057 of 2022

ALLOWING THE W.P. WITHOUT COSTS

61P
DISTRICT :: KRISHNA

HIGH COURT OF ANDHRA PRADESH

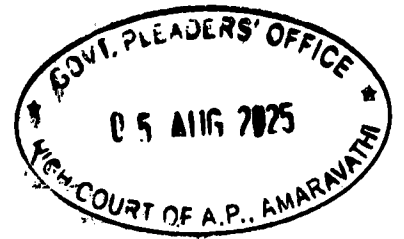
C.C.No. OF 2025

IN

W.P. No.34022 of 2024

Ser-II
(Endow)

MEMORANDUM OF CONTEMPT
CASE



FILED BY:

SRI D.V.SASIDHAR(10944)

SRI M.V.S. NIKHIL KASHYAP

SRI M.RAGHU NANDAN

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Tuesday, Aug 05, 2025 14:25:09 PM

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APOLCMS



Acknowledgement No.: