

IN THE HGIH COURT OF ANDHRA PRADESH AT AMARAVATI

C.C.No. / 2024

Between:

T. Suryanarayana, S/o. Subba Rao, aged 69 years,  
Rtd Employee, R/o.D.No.7-10-22, Vulli Thota Street,  
Rajahmundry, East Godavari District.

.....Petitioner

And

1. Sri. Koduri Ramachandra Mohan, Commissioner,  
Endowments, Govt of AP, Gollapudi, Vijayawada and 2 others..

...Respondents

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S N	Nature of Documents	D/of documents	D/ of filing	P/ No's
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2	Contempt Petition and Affidavit	13-02-2025	-do-	2 – 5
3	Copy of orders passed in review Petition.No.1/2024 in WP.28874/2014	03-12-2024	-do-	6 – 13
4	Copy of Affidavit and Review Petition	26-02-2024	-do-	14 – 20
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Amaravati.  
Dt.13.02.2025.

  
Counsel for the Petitioner

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IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

C.C.No. / 2025

Against

Review.No.1/2024 in W.P.No.28874 of 2014.  
(Hon'ble Mr Justice N Harinadh, Dt.03.12.2024)

Between:

T. Suryanarayana, S/o. Subba Rao, aged 69 years,  
Rtd Employee, R/o.D.No.7-10-22, Vulli Thota Street,  
Rajahmundry, East Godavari District.

.....Petitioner

And

1. Sri. Koduri Ramachandra Mohan, Commissioner,  
Endowments, Govt of AP, Gollapudi, Vijayawada
2. Sri. Kamineni Basava Srinivasa Rao, Deputy Commissioner,  
Endowments Dept. Guntur District.
3. Sri. Vadrevu Vinaychand IAS., Principal Secretary, Endowments  
Dept. Secretariat buildings, Velagapudi, Guntur District.

...Respondents

AFFIDVIT FILED BY THE PETITIONER

I, T. Suryanarayana, S/o. Subba Rao, aged 69 years,  
Rtd Employee, R/o.D.No.7-10-22, Vulli Thota Street,  
Rajahmundry, East Godavari District, do hereby solemnly affirm and state as  
follows:-

1. I submit that I am the Petitioner herein/Petitioner in the Writ Petition and as such I am well acquainted with the facts of the case. Further I submit that the I filed review petition seeking reviewing the judgment passed by this Court on 20.02.2024 in WP.No.28874/2014, where by the Respondents were directed to comply the proceedings 31.10.2014 and disburse the retirement benefits within a period of six weeks from the date of receipt of the order.
2. I respectfully submit that when the above review Petition was disposed off on 03-12-2024, held that *"this Court is inclined to review the operative portion of the judgment by further directing the respondents to settle the retirement benefits together with interest calculated at 9% per annum from the date of retirement till the date of disbursement."*

*T. Suryanarayana*

4. I respectfully submit that in view of the above clear and categorical directions, the Respondents herein knowing fully well of this Hon'ble Court orders Dt.03-12-2024 on the day itself, also by serving them copy of order vide regd. letter Dt.30-12-2024, they did not take action till date, despite repeated our oral requests; and hence except there is no other alternative remedy to bring notice to this Hon'ble Court by way of present contempt case seeking to pass appropriate orders forthwith ordering to Respondents herein to comply the same as ordered by this Hon'ble Court in the light of the rule 21 of writ proceedings rules, 1977 postulates that; *Unless the court otherwise directs, the direction or order made or the rule absolute issued by the High Court shall be implemented within two months of the receipt of the order.* (Copy of the order dispatched by this Hon'ble Court on 07.12.2024)

5. Therefore I humbly submit that the action of the Respondents herein in the light of the above rule, amounts to contempt of Court as per orders Dt.03.12.2024 passed in Review.No.1/2024 in W.P.No.28874 of 2014. Hence Respondents are liable to be punished under contempt of Court's Act, in limini. "This Hon'ble Court well aware that the JUDICIARY COMMANDS RESPECT AND NEVER DEMANDS, RESPECT AND DIGNITY CANNOT BE DEMANDED ON THE THREAT OF CONTEMPT"

6. Hence it is, therefore, Just and necessary that this Hon'ble Court may be pleased to punish the Respondent/Contemnor for Contempt of Court for willful and deliberately flouting the orders passed by this Hon'ble Court Dt.03.12.2024 passed in Review.No.1/2024 in W.P.No.28874/2014 under the Contempt of Court's Act, 1972 and pass such other and further order as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Solemnly affirm and signed before  
me on this 9<sup>th</sup> Day of February, 2025.

T. Swyana Jayave


Deponent

Advocate

5-

VERIFICATION STATEMENT

T. Suryanarayana, S/o. Subba Rao, aged 69 years,  
Rtd Employee, R/o.D.No.7-10-22, Vulli Thota Street,  
Rajahmundry, East Godavari District, being a deponent does hereby declare  
that the contents of the affidavit mentioned above are true and correct to the  
best of my knowledge and believed to be true.

  
Advocate

  
Deponent

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

TUESDAY, THE THIRD DAY OF DECEMBER  
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HON'BLE SRI JUSTICE HARINATH.N



REVIEW IA NO. 1 OF 2024

IN

WRIT PETITION NO: 28874 OF 2014

IA NO: 1 OF 2024

**Between:**

T.Suryanarayana, S/o.Subba Rao; Aged about 67 years, Rtd. Employee,  
R/o.D.No.7-10-22, Vulli Thota Street, Rajahmundry, East Godavari District.

**...REVIEW PETITIONER/PETITIONER**

**AND**

1. The Commissioner, Endowments Department, Andhra Pradesh, Gollapudi, Vijayawada, Krishna District
2. The Deputy Commissioner, Endowments Department, Guntur.
3. The State of Andhra Pradesh, Rep., by its Principal Secretary Revenue (Endowments) Department, Secretariat Buildings, Velagapudi, Guntur District.

**...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 review the orders Dt.23.02.2024 passed in WP.No.28874/2014 in terms of the decision rendered in Dinavahi Lakshmi Kameswari v State of Andhra Pradesh and another reported in 2020 (5) ALD 383 (AP)(DB) (Paras 69- to 71, 84 & 88) which relies upon by the Writ Petitioners squarely covers instant Writ Petition.

**WRIT PETITION NO: 28874 OF 2014**

**Between:**

T.Suryanarayana, S/o.Subba Rao, Aged about 57 years, working as Manager, Sri Venu Gopala Swamy Vari Devasthanam, Rajahmundry, East Godavari District, R/o.D.No.7-10-22, Vulli Thota Street, Rajahmundry, East Godavari District.

**...PETITIONER**

**AND**

1. The Commissioner, Endowments Department, Andhra Pradesh, Gollapudi, Vijayawada, Krishna District
2. The Deputy Commissioner, Endowments Department, Guntur.
3. The State of Andhra Pradesh, Rep., by its Principal Secretary Revenue (Endowments) Department, Secretariat Buildings, Velagapudi, Guntur District.

**(Cause Title amended in respect of Respondent Nos 1 and 3, as per Court Order dt 04-12-2023 vide IA No 1 of 2023 in WP No 28874/2014)**

**...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 or Order or Direction more in the nature of Writ of Mandamus or any other appropriate order by declaring the action of the first respondent in issuing proceedings L.Dis.No.D2/ 34057/2013, dated 09-12-2013 by in not considering the case of the petitioner for transfer as Junior Assistant to Guntur District from East Godavari District and grant all the consequential benefits flows there from as illegal, arbitrary and discriminatory and consequentially direct the first respondent to grant appropriate place to the petitioner in the seniority list of Junior Assistants working in Guntur District by taking into consideration the date of appointment of the petitioner as 01-04-1978 and grant all the benefits that were granted to Junior Assistants of Guntur District in proceedings

Rc.No.D2/35503/2012-2, dated 07-05-2014 like increments, seniority etc., on par with them.

**I.A. NO: 1 OF 2014(WPMP. NO: 36132 OF 2014)**

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 first respondent to grant seniority to the petitioner in the category of Junior Assistant in Guntur District by granting all consequential benefits flows there from by taking into consideration Rule 33 of the rules issued in G.O. Ms.No. 888, Revenue (Endowments-I) department dated 08-12-2000, pending disposal of the above Writ Petition.

**Counsel for the Petitioner: SRI K K DURGA PRASAD**

**Counsel for the Respondents: GP FOR ENDOWMENTS**

**The Court made the following: ORDER**

THE HON'BLE SRI JUSTICE HARINATH. N

REVIEW IA.No.1 OF 2024

IN

WRIT PETITION No.28874 of 2014

**ORDER :**

The present review petition is filed by the petitioner seeking reviewing the judgment passed by this Court on 20.02.2024 whereby the respondents were directed to comply the proceedings 31.10.2014 and disburse the retirement benefits within a period of six weeks from the date of receipt of the order.

2. The learned counsel for the petitioner submits that the review petition is filed primarily once again canvassing that the observations of the Division Bench in granting interest for the deferred salary/wage/remuneration/honoraria on gross basis to all cadres of state government employees, including all PSUs/government aided institutions/ organizations/ societies/ autonomous bodies, semi-autonomous bodies for the month of March and April, 2020 payable in the month of May, 2020 respectively within two months from the date of receipt of the order together with interest at 12% per annum on the deferred salary.





3. The division bench set aside the GOMs.No.26, dated 31.03.2020 and GOMs.No.37, dated 26.04.2020 and as such on the facts of the case therein granted the relief by directing payment of interest on the deferred salary.
4. The learned counsel for the petitioner submits that the respondents have denied the retirement benefits though the petitioner attained the age of superannuation on 31.10.2014. It is submitted that for more than 10 years the respondents have not released the retirement benefits and as such he is entitled for interest on the retirement benefits which are due payable by the respondent for the service of the respondent.
5. Considering the submissions of the learned counsel for the petitioner and also perusing the grounds raised in the review petition, this Court by placing reliance on **Chittaranjan Purokait Vs The State of West Bengal & Ors<sup>1</sup>**. Whereby the Division Bench of the Calcutta High Court granted interest at 12% per annum for the delayed payment of salary and gratuity. The learned Division Bench of Calcutta High Court also referred to the judgments of the Hon'ble Supreme Court on the issue of entitlement of interest for the delayed service benefits. In the matter of **Executive Engineer Dhenkanal Minor Irrigation**

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<sup>1</sup> 2008 0 Supreme(Cal) 656

**Division, Orissa & Ors. v. N.C. Budharaj (deceased) by L.Rs. & Ors.,<sup>2</sup>** The Hon'ble Supreme Court observed to this effect "basic proposition of law is that a person deprived of the use of money to which he is legally entitled; his right to be compensated for the deprivation by whatever name it may be called viz., interest, compensation or damages and this proposition is unmistakable and valid; the efficacy and binding nature of such law cannot be either diminished or whittled down." The same view was reiterated by the Apex Court in the case **South Eastern Coalfields Limited v. State of M.P. & Ors.,<sup>3</sup>** Even for delayed payment of royalty money under Mines and Minerals (Regulation and Development Act, 67 of 57) the Court imposed liability to pay interest in the case **B.L. Gupta Construction Private Limited v. Bharat Co-operative Group Housing Society Limited<sup>4</sup>**; a judgment of three Judges Bench. Long back in the case **R. Kapur V. Director of Inspection Painting and Publication Income Tax<sup>5</sup>** the Apex Court imposed 18% interest for delayed payment of gratuity

6. Considering the legal preposition, this Court is inclined to review the operative portion of the judgment by further directing the

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<sup>2</sup> 2001 (2) SCC 721

<sup>3</sup> 2003 AIR SCW 5258

<sup>4</sup> 2004 (1) SCC 110

<sup>5</sup> 1994 (6) SCC 589

respondents to settle the retirement benefits together with interest calculated at 9% per annum from the date of retirement till the date of disbursement.

7. Accordingly, the review petition is allowed and the judgment passed by this Court is modified to the above extent only. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

//TRUE COPY//

Sd/- N. NAGAMMA  
ASSISTANT REGISTRAR.

  
SECTION OFFICER

To,

1. The Commissioner, Endowments Department, Andhra Pradesh, Gollapudi, Vijayawada, Krishna District
2. The Deputy Commissioner, Endowments Department, Guntur.
3. The Principal Secretary Revenue (Endowments) Department, Secretariat Buildings, Velagapudi, Guntur District.
4. One CC to Sri K K Durga Prasad Advocate [OPUC]
5. Two CCs to GP for Endowments, High Court of Andhra Pradesh. [OUT]
6. Three CD Copies

TF

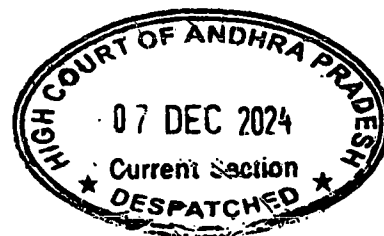
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**HIGH COURT**

**DATED:03/12/2024**

**ORDER**

**REVIEW IA NO. 1 OF 2024 IN WP.No.28874 of 2014**



**ALLOWING THE REVIEW PETITION, WITHOUT  
COSTS**

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MEMORANDUM OF REVIEW PETITION  
(Under order 47 Rule 1 r/w sec 151 CPC)

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

I.A.No. 1 /2024  
in  
W.P.No.28874/2014

Between:

T. Suryanarayana, S/o. Subba Rao, aged 67 years,  
Rtd Employee, R/o.D.No.7-10-22, Vulli Thota Street,  
Rajahmundry, East Godavari District.

....Review Petitioner/Petitioner

And

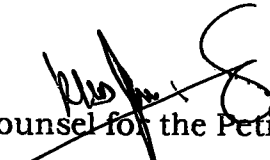
1. The Commissioner, Endowment Department, A.P. Gollapudi, Vijayawada, Krishna District
2. The Deputy Commissioner, Endowments Department, Guntur.
3. The State of A.P. rep by its Principal Secretary, Revenue (Endowments) Department, Secretariat buildings, Velagapudi, Guntur District

.....Respondents/Respondents

\*\*\*\*\*

For the reasons stated in the accompanying affidavit, the Petitioners herein pray that this Hon'ble Court may be pleased to review the orders Dt.23.02.2024 passed in WP.No.28874/2014 in terms of the decision rendered in *Dinavahi Lakshmi Kameswari v State of Andhra Pradesh and another reported in 2020 (5) ALD 383 (AP)(DB) (Paras 69- to 71, 84 & 88)* which relies upon by the Writ Petitioners squarely covers instant Writ Petition; and pass such other and further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Amaravati,  
Dt.26-02-2024

  
Counsel for the Petitioner

OK  
EAST GODAVARI DIST

IN THE HIGH COURT OF  
AP AT AMARAVATI.

Review I.A No. 1 /2024  
in  
WP.No.28874/2014

CAV  
by  
NHJ  
12/11/2024

Filed  
pos on 12/11/24  
by  
NHJ  
5/11/24  
3/12/2024

REVIEW PETITION

pos on 10/7/2024  
by  
NHJ  
21/6/2024  
Monday  
by  
NHJ  
24/7/2024  
28.11.24  
by  
NHJ  
25/8/24

Filed on; 26-02-2024

Filed by:

K K DURGA PRASAD  
(6138)

Counsel for the Petitioner

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IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

I.A.No. 1 /2024  
in

W.P.No.28874/2014

Between:

T. Suryanarayana, S/o. Subba Rao, aged 67 years,  
Rtd Employee, R/o.D.No.7-10-22, Vulli Thota Street,  
Rajahmundry, East Godavari District.

**....Review Petitioner/Petitioner**

And

1. The Commissioner, Endowment Department, A.P. Gollapudi, Vijayawada, Krishna District
2. The Deputy Commissioner, Endowments Department, Guntur.
3. The State of A.P. rep by its Principal Secretary, Revenue (Endowments) Department, Secretariat buildings, Velagapudi, Guntur District

**.....Respondents/Respondents**

AFFIDAVIT

I, T. Suryanarayana, S/o. Subba Rao, aged 67 years,  
Rtd Employee, R/o.D.No.7-10-22, Vulli Thota Street,  
Rajahmundry, East Godavari District, do hereby solemnly affirm and  
state as follows:-

1. I am the Petitioner herein and as such I am well acquainted with the facts of the case.
2. I submit that I was appointed as Junior Assistant on 31.03.1978 in Sri Soma Sekhara Swamy Temple, Kotipalli (V), Tenali (M), Guntur (D). Thereafter, I was transferred to Kakinada Division on 30.03.1981 and was posted to Sri Venugopala Swamyvari Devasthanam, Rajahmundry as Junior Assistant. I was promoted as Senior Assistant in the year 1993. The 1<sup>st</sup> Respondent had issued guidelines for preparation of Seniority list of employees and for the purpose of Seniority each temple is a Unit and has its own Seniority list. This is

Attn:

Deponent

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in accordance with Rule 33 of the Rules issued under GOMs.No.1478 and GOMs.No.888. I was claimed that in accordance with the above rules my Unit of appointment for the purpose of Seniority is Soma Sekhara Swamy Temple, Guntur District. I was made representations to include my name in the Seniority list of Junior Assistants working in Guntur District. The Respondent/Authorities have conducted enquiry and the 2<sup>nd</sup> Respondent vide proceedings Dt.16.01.2013 passed relevant proceedings for including my name in the Seniority list of Junior Assistants working in Guntur District. However, the 1<sup>st</sup> Respondent rejected the said request vide proceedings Dt. 09.12.2013.

3. Further I submit that my case for transfer as Jr Asst to his parent unit (Guntur Dist) ought to have been considered in view of rule 33 of the rules issued in GOMs.No.888, Dt.08.12.2000. The Petitioner submits that several juniors to the Petitioners who were working in Guntur District as Junior Assistants were extended timely Promotions to the Grade of Executive Officers Grade - III. One K. Narsi Reddy, who was appointed as Jr Asst on 02.04.1985 in Guntur Dist was appointed as Executive Officer on 07.05.2014. I had the respondent considered the request of the Petitioner in including my name in the Seniority list of the Jr Asst working in Guntur Dist, he would have been promoted much prior to K. Narsi Reddy and thus claims the declaratory relief of grant of Seniority on par with other Jr Asst working in Guntur Dist.

4. After elaborate hearing of the matter by this Hon'ble Court, held that; *the Petitioner had been recruited in Sri Somasekhara Swamy Temple, Kotipalli (V), Tenali (M), Guntur (D) on 01.04.1978. He was transferred to Kakinada Division of Guntur Region and attained the age of Superannuation at Kakinada. The 2<sup>nd</sup> Respondent had issued proceedings Rc.No.B4/212/2014, Dt.31.10.2014, whereby, the Petitioner is directed to report before Executive Authority Sri Uma*

Attn:

Deponent



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*Someswara Swamy Temple, Kotipalli (V), Guntur (D). The Executive Authority would admit and retire him from service. The said proceedings are placed on record by the learned counsel for the Petitioner. The said proceedings are not withdrawn and are in force. However, it is submitted that the Respondent/Authorities have not acted in accordance with the said proceedings and that the petitioner is denied his retirement benefits. Hence determination of validity of impugned proceedings Dt. 09.12.2012 issued by the 1<sup>st</sup> Respondent would only be of academic value at this belated stage. The chances of promotion of an employee working in any organization would depend upon the available vacancies and the seniority list which is prepared at followed. However, the proceedings Dt.31.10.2014, the Petitioner was directed to report before Executive Authority Sri Uma Someswara Swamy Temple, Kotipalli (V), Guntur (D). The Executive Authority was further directed to admit and retire him from service. There is no explanation from the Respondents as to why the proceedings Dt.31.10.2014 were not complied. However, these proceedings make it clear amply that the Petitioner is considered as belonging to Jr Asst of Guntur Division.*

5. *It is also not in dispute that the petitioner was drawing his pay and perks from the Kakinada Division. On the date of his attaining his superannuation he was directed to report before at appropriate authority at Guntur Division. Non adherence to the said proceedings has resulted in denial of the retirement benefits of the petitioner. It is more than nine years since the petitioner has attained the age of superannuation. The inaction on the part of respondents in retiring him in pursuance of the proceedings Dt. 31.10.2014 is gross injustice to the petitioner. The Respondents ought to have acted in pursuance of the proceedings Dt.31.10.2014 and retired the Petitioner from service by duly disbursing his retirement benefits. Ends of Justice would be met by directing the Respondents to comply with the proceedings Rc.No.B4/212/2014,*

Attn:

Deponent

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Dt. 31.10.2014 and disburse the retirement benefits to the Petitioner within a period of six weeks from the date of receipt of this order. The Petitioner has to be treated as belonging to the Guntur Division cadre by virtue of proceedings Dt.31.10.2014 and the Guntur Division ought to disburse his retirement benefits. In the result, the Writ Petition is partly allowed without costs."

5. I respectfully submit that the above orders are well considered orders, but except operative portion directions are suffers from error apparent on face of record, inasmuch as, not following the Division Bench decision rendered in *Dinavahi Lakshmi Kameswari v State of Andhra Pradesh and another reported in 2020 (5) ALD 383 (AP) (Paras 69 to 71, 84 & 88)*, which squarely covers the instant case. Therefore violates Article 14 of the Constitution of India, if not extending the same benefit to the Petitioner herein causing much hardship and violates Article 300-A of the Constitution of India; and hence order Dt.23.02.2024 passed in WP.No.28874/2014 shall be reviewed for the following among other:-

### GROUND S

- a) The order under review is well considered order, but except operative portion of the directions runs quite contrary to the Division Bench decisions relying on the Apex Court decisions; is error apparent on the face of the record and also nothing but judgment under *per-in-curium*. Hence order under review is liable to be reviewed as per Division Bench decision rendered in *Dinavahi Lakshmi Kameswari v State of Andhra Pradesh and another reported in 2020 (5) ALD 383 (AP) (Paras 69 to 71, 84 & 88)*, is an error apparent on the face of the record.
- b) The order under review perhaps by oversight not look into the said well-considered decision as stated supra which relies upon by the

Attn:

Deponent

Writ Petitioner along with their brief note which squarely covers instant Writ Petition in respect of interest part. In fact order under review categorically held that *"Non adherence to the said proceedings has resulted in denial of the retirement benefits of the petitioner. It is more than nine years since the petitioner has attained the age of superannuation. The inaction on the part of respondents in retiring him in pursuance of the proceedings Dt. 31.10.2014 is gross injustice to the petitioner. The Respondents ought to have acted in pursuance of the proceedings Dt.31.10.2014 and retired the Petitioner from service by duly disbursing his retirement benefits"* Therefore violates Article 14 of the Constitution of India, if not extending the same benefit to the Petitioner herein; and hence order under review is liable to be reviewed accordingly inasmuch as an error apparent on the face of the record.

c) The order under review ought to have held that, to pay deferred pensionery and retirement benefits payable together with interest @12% per annum on the deferred retirement benefits for the last 9 years; and hence order under review is liable to be reviewed accordingly, inasmuch as an error apparent on the face of the record.

6. It is, therefore, just and necessary to meet the ends of Justice the Petitioner herein prays that this Hon'ble Court may be pleased to review the orders Dt.23.02.2024 passed in WP.No.28874/2014 in terms of the decision rendered in *Dinavahi Lakshmi Kameswari v State of Andhra Pradesh and another reported in 2020 (5) ALD 383 (AP)(DB) (Paras 69 to 71, 84 & 88)* which relies upon by the Writ Petitioners along with brief note which squarely covers instant Writ Petition; and pass such other and further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Solemnly affirm and before signed  
me on this Day of February, 2024.

Deponent

Advocate

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VERIFICATION STATEMENT

T. Suryanarayana, S/o. Subba Rao, aged 67 years, Rtd Employee, R/o.D.No.7-10-22, Vulli Thota Street, Rajahmundry, East Godavari District, being the Deponent herein, that the above facts are true to best my knowledge and information from the legal advice are believed to be true and correct.

Advocate.

Deponent

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APHC010223642014



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

[ 3457 ]

**TUESDAY ,THE TWENTIETH DAY OF FEBRUARY  
TWO THOUSAND AND TWENTY FOUR  
PRESENT**

**THE HONOURABLE SRI JUSTICE HARINATH.N**

**WRIT PETITION NO: 28874 OF 2014**

**Between:**

**T.Suryanarayana,**

**...PETITIONER(S)**

**AND**

**THE COMMISSIONER AND OTHERS**

**...RESPONDENT(S)**

**Counsel for the Petitioner(s):SRI. K K DURGA PRASAD**

**Counsel for the Respondents: GP FOR ENDOWMENTS (AP)**

**The Court made the following:**

**THE HON'BLE SRI JUSTICE HARINATH. N**

**WRIT PETITION No.28874 of 2014**

**ORDER :**

The petitioner is aggrieved by the issuance of proceedings L.Dis.No.D2/34057/2013, dated 09.12.2013 in not considering the case of the petitioner for transfer as Junior Assistant to Guntur District from East Godavari district and grant all the consequential benefits flows there from as illegal, arbitrary and discriminatory and consequentially direct the first respondent to grant appropriate place to the petitioner in the seniority list of Junior Assistants working in Guntur District by taking into consideration the date of appointment of the petitioner as 01.04.1978 and grant all the benefits that were granted to Junior Assistant of Guntur District in proceedings Rc.No.D2/33503/2012-2, dated 07.05.2014 like increments, seniority etc., on par with them.

2. The petitioner was appointed as Junior Assistant on 31.03.1978 in Sri Soma Sekhara Swamy Temple, Kotipalli Village, Tenali Mandal, Guntur District. Thereafter, the petitioner was transferred to Kakinada Division on

30.03.1981 and was posted to Sri Venugopala Swamyvari Devasthanam, Rajahmundry as Junior Assistant. The petitioner was promoted as Senior Assistant in the year 1993.

3. The 1<sup>st</sup> respondent had issued guidelines for preparation of Seniority list of employees and for the purpose of Seniority each temple is a Unit and has its own Seniority list. This is in accordance with Rule 33 of the Rules issued under GOMs.No.1478 and GOMs.No.888.
4. The petitioner claims that in accordance with the above rules his Unit of appointment for the purpose of Seniority is Soma Sekhara Swamy Temple, Guntur District. The petitioner made representations to include his name in the Seniority list of Junior Assistants working in Guntur District. The respondent/authorities have conducted enquiry and the 2<sup>nd</sup> respondent vide proceedings dated 16.01.2013 passed relevant proceedings for including the name of the petitioner in the Seniority list of Junior Assistants working in Guntur District. However, the 1<sup>st</sup> respondent rejected the said request vide proceedings dated 09.12.2013.

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5. The petitioner claims that his case for transfer as Junior Assistant to his parent unit (Guntur District) ought to have been considered in view of Rule 33 of the Rules issued in GOMs.No.888, dated 08.12.2000. The petitioner submits that several juniors to the petitioners who were working in Guntur District as Junior Assistants were extended timely promotions to the Grade of Executive Officers Grade - III. One K.Narsi Reddy, who was appointed as Junior Assistant on 02.04.1985 in Guntur District was appointed as Executive Officer on 07.05.2014. The petitioner submits that had the respondent considered the request of the petitioner in including his name in the Seniority list of the Junior Assistant working in Guntur District, he would have been promoted much prior to K.Narsi Reddy and thus claims the declaratory relief of grant of Seniority on par with other Junior Assistants working in Guntur District.
6. The learned Government Pleader appearing for the respondents submitted that, the petitioner attained the age of superannuation on 31.10.2014. As such the cause in the writ petition would not survive any further. That apart, it is submitted that after the petitioner was transferred from Guntur Division to Kakinada Division, the petitioner was



*promoted to the cadre of Senior Assistant in the year 1993* and he continued as Senior Assistant till he attained the age of superannuation. It is also submitted that, the representation of the petitioner dated 10.12.2012 is belated and submitted after 30 years. It is also submitted that the petitioner joined as Junior Assistant on 16.04.1981 in the establishment of Sri Venugopala Swamyvari Devasthanam, Rajahmundry. Thus, the Kakinada Division would become his parent division and the same was not questioned by the petitioner for the last 30 years. It is also submitted that seniority list of employees working in each temple/ division/ district is separate and as such there would be no advantage of the petitioner in seeking transfer of his cadre from Kakinada Division to Guntur Division. It is also submitted that the petitioner on his own request got transferred from Guntur Division in the year 1981. The service rules with respect to employees working in temples came into effect from 08.12.2000 and prior to issuance of Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Office Holders and Servants Service Rules, 2000, the Rules issued under GOMs.No.1478, dated 17.11.1986 were in force and these

rules would be applicable to the petitioner. The similar provision of treating each temple as a unit for the purpose of recruitment, seniority and promotion was not provided in service rules issued in GOMs.No.1478, dated 17.11.1986. The petitioner had enjoyed the promotion of Senior Assistants for 18 years and also attained the age of superannuation on 31.10.2014 and as such no relief can be granted to the petitioner.

7. Heard both the learned counsel and perused the record.
8. The grievance of the petitioner is that, the petitioner had been recruited in Sri Somasekhara Swamy Temple, Kotipalli Village, Tenali Mandal, Guntur District on 01.04.1978. He was transferred to Kakinada Division of Guntur Region and attained the age of Superannuation at Kakinada. The 2<sup>nd</sup> respondent had issued proceedings Rc.No.B4/212/2014, dated 31.10.2014, whereby, the petitioner is directed to report before Executive Authority Sri Uma Someswara Swamy Temple, Kotipalli Village, Guntur District. The Executive Authority would admit and retire him from service. The said proceedings are placed on record by the learned counsel for the petitioner.

9. The said proceedings are not withdrawn and are in force. However, it is submitted that the respondent/authorities have not acted in accordance with the said proceedings and that the petitioner is denied his retirement benefits.

10. The petitioner was transferred on his own accord and the petitioner has been promoted as Senior Assistant from the post of Junior Assistant at Kakinada Division. Thus, it is clear that the petitioner's service at Kakinada Division was recognized and service benefits such as promotion was extended to the petitioner on par with other Junior Assistants who were working in Kakinada Division.

11. Determination of validity of impugned proceedings dated 09.12.2012 issued by the 1<sup>st</sup> respondent would only be of academic value at this belated stage. The chances of promotion of an employee working in any organization would depend upon the available vacancies and the seniority list which is prepared at followed. However, the proceedings dated 31.10.2014, the petitioner was directed to report before Executive Authority Sri Uma Someswara Swamy Temple, Kotipalli Village, Guntur District. The Executive Authority was further directed to admit and retire

him from service. There is no explanation from the respondents as to why the proceedings dated 31.10.2014 were not complied. However, these proceedings make it clear amply that the petitioner is considered as belonging to Junior Assistant of Guntur Division.

12. It is also not in dispute that the petitioner was drawing his pay and perks from the Kakinada Division. On the date of his attaining his superannuation he was directed to report before at appropriate authority at Guntur Division. Non adherence to the said proceedings has resulted in denial of the retirement benefits of the petitioner. It is more than nine years since the petitioner has attained the age of superannuation. The inaction on the part of respondents in retiring him in pursuance of the proceedings dated 31.10.2014 is gross injustice to the petitioner. The respondents ought to have acted in pursuance of the proceedings dated 31.10.2014 and retired the petitioner from service by duly disbursing his retirement benefits.
13. Ends of Justice would be met by directing the respondents to comply with the proceedings Rc.No.B4/212/2014, dated 31.10.2014 and disburse the retirement benefits to the

petitioner within a period of six weeks from the date of receipt of this order. The petitioner has to be treated as belonging to the Guntur Division cadre by virtue of proceedings dated 31.10.2014 and the Guntur Division ought to disburse his retirement benefits.

14. In the result, the writ petition is *partly* allowed, without costs.

Pending miscellaneous petitions, if any, shall stand closed.

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**JUSTICE HARINATH.N**

Dated 20.02.2024

C.C. by 23.02.2024  
B/o.KGM

**THE HON'BLE SRI JUSTICE HARINATH. N**

**WRIT PETITION No.28874 of 2014**

Dated 20.02.2024

**C.C. by 23.02.2024**  
B/o.KGM

8/1

From:

Dt.30.12.2024

-31-

T. Suryanarayana,  
S/o. T Subbarao, aged 69 years,  
R/o.D.No.7-10-22, Ullithota street,  
Rajamahendravaram, East Godavari Dist Cell: 9490785980.

To,

The Commissioner,  
Endowments Department,  
Gollapudi, Vijayawada, Krishna District..

Sir,

Sub: - Implementation of orders passed by the Hon'ble High Court of A.P -  
granting pension - other benefits with interest: - reg.

Ref: - 1) WP.No.28874/2014, Dt. 23-02-2024.

2) Review IA.No.1/2024 in WP.No.28874/2014, Dt.3/12/24.

3) D. Dist No.A1/2654/78, Admn Dt.27-3-78 by DC, Endowment Dept.  
Guntur.

4) Roc.No.B3/16738/81, Dt.30-03-1981 by Commissioner, Endowment  
Dept. Hyderabad.

5) Rc.No.A1/6340/81, Dt.25-4-1981 by Commissioner, Endowment  
Dept. Kakinada.

6) Rc.No.B4/212/2014, Dt.31-10-2014 by DC, Endowment Dept.  
Kakinada.

\*\*\*\*\*

In the above reference cited 1 and 2 of the Hon'ble High Court of A.P. Amaravati orders are herewith submitting to you for implementation of the same for due compliance granting pension and other benefits with interest, as per Law, else face consequences under Law. It is needless to say I have promoted as Senior Assistant from Junior Assistant in the year 1993. I have requested to promote me as Executive Officer grade - II duly transferring the temple service. But in vain and my juniors are got promotion as Executive Officers grade - II, aggrieved filed reference 1<sup>st</sup> cited Writ Petition and accordingly partly allowed that the Petitioner has to be treated as belongs to the Guntur Division cadre by virtue of proceedings Dt.31-10-2014 and the Guntur Division ought to disburse his retirement benefits (*benefits means including promotion*) and later filed 2<sup>nd</sup> cited review also allowed directing the Respondents to settle the retirement benefits together with interest calculated at 9% per annum from the date of retirement till the date of disbursement.

Thanking you,

yours sincerely,

T. Suryanarayana  
(T. Suryanarayana)

Encl: Copy of the orders

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## Track Consignment

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\* Indicates a required field.

\* Consignment Number

RN600072896IN ✓

Track More

Booked At	Booked On	Destination Pincode	Tariff	Article Type	Delivery Location	Delivery Confirmed On
Vullithota S.O	03/01/2025 10:34:48	522503	41.30	Registered Letter	Mangalagiri H.O	06/01/2025 17:37:25 ✓

Event Details For : RN600072896IN

Current Status : Item Delivered(Addressee)

Date	Time	Office	Event
06/01/2025	17:37:25	A.P.Secretariat S.O	Item Delivered(Addressee)
06/01/2025	12:22:10	A.P.Secretariat S.O	Out for Delivery
06/01/2025	10:11:53	A.P.Secretariat S.O	Item Received
04/01/2025	05:42:45	Guntur RS TMO	Item Dispatched
04/01/2025	05:30:01	Guntur RS TMO	Item Received
04/01/2025	05:23:17	Guntur ICH	Item Dispatched
04/01/2025	03:11:45	Guntur ICH	Item Bagged
04/01/2025	01:47:20	Guntur ICH	Item Received
04/01/2025	01:22:30	Guntur RS TMO	Item Dispatched
04/01/2025	01:20:55	Guntur RS TMO	Item Received
03/01/2025	21:47:44	Rajahmundry TMO	Item Dispatched
03/01/2025	21:46:03	Rajahmundry TMO	Item Received
03/01/2025	20:04:32	Rajahmundry ICH	Item Dispatched
03/01/2025	19:59:40	Rajahmundry ICH	Item Bagged
03/01/2025	18:26:53	Rajahmundry ICH	Item Received
03/01/2025	16:30:03	Vullithota S.O	Item Dispatched
03/01/2025	16:29:09	Vullithota S.O	Item Bagged
03/01/2025	10:34:48	Vullithota S.O	Item Booked ✓

6/1/25  
RN600072896IN IVR:8278600072896  
RN VULLITHOTA S.O <33103>  
Counter No:2-03/01/2025-10:34  
To:THE PRINCIPAL SECRETARY  
PTM:522503, Mangalagiri H.O  
From:J SURYANARAYANA,7-9-2  
Wt:600gms Ack Fee:3.00,RC:17.0  
Amt:41.30,Tax:6.30,Amt.Paid:41.00(Last)  
<Track on www.indiapost.gov.in>  
<Call 18002666868> <Near Marks>



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\* Consignment Number

RN600072905IN ✓

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Booked At	Booked On	Destination Pincode	Tariff	Article Type	Delivery Location	Delivery Confirmed On
Vullithota S.O	03/01/2025 10:34:48	521225	41.30	Registered Letter	Gollapudi S.O	06/01/2025 17:09:20 ✓

## Event Details For : RN600072905IN

## Current Status : Item Delivered(Addressee)

Date	Time	Office	Event
06/01/2025	17:09:20	Gollapudi S.O	Item Delivered(Addressee)
06/01/2025	13:46:54	Gollapudi S.O (Beat Number:7)	Item Delivered [To: inward (Security Personnel)]
06/01/2025	09:53:04	Gollapudi S.O	Out for Delivery
04/01/2025	14:51:41	Gollapudi S.O	Item Onhold Local Holiday
04/01/2025	09:20:49	Gollapudi S.O	Out for Delivery
04/01/2025	08:37:26	Gollapudi S.O	Item Received
04/01/2025	04:50:22	Vijayawada RS TMO	Item Dispatched
04/01/2025	03:41:18	Vijayawada RS TMO	Item Received
04/01/2025	03:14:06	Vijayawada NSH	Item Dispatched
04/01/2025	02:53:30	Vijayawada NSH	Item Bagged
04/01/2025	00:21:55	Vijayawada NSH	Item Received
03/01/2025	23:37:13	Vijayawada RS TMO	Item Dispatched
03/01/2025	23:36:47	Vijayawada RS TMO	Item Received
03/01/2025	21:47:44	Rajahmundry TMO	Item Dispatched
03/01/2025	21:46:03	Rajahmundry TMO	Item Received
03/01/2025	20:04:32	Rajahmundry ICH	Item Dispatched
03/01/2025	20:04:03	Rajahmundry ICH	Item Bagged
03/01/2025	18:26:53	Rajahmundry ICH	Item Received
03/01/2025	16:30:03	Vullithota S.O	Item Dispatched



RN600072905IN ITR:8278600072905  
 RL VULLITHOTA S.O (533101)  
 Counter No:2,03/01/2025,10:34  
 To:THE COMMISSIONER, DOCUMENTS DEPT.  
 PIN:521225, Gollapudi S.O  
 From: T SURYANRAYANA,7-9-2  
 Wt:460gms Ack Fee:3.00,REG=17.0  
 Amt:41.30,Tax:6.30,Amt.Paid:41.00(Cash)  
 <Track on www.indiapost.gov.in>  
 <Dial 18002666868> <Wear Masks>

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Booked At	Booked On	Destination Pincode	Tariff	Article Type	Delivery Location	Delivery Confirmed On
Vullithota S.O	03/01/2025 10:34:48	522002	41.30	Registered Letter	Guntur H.O	04/01/2025 16:07:10

## Event Details For : RN600072882IN

## Current Status : Item Delivered(Addressee)

Date	Time	Office	Event
04/01/2025	16:07:10	Kothapeta(Guntur) S.O	Item Delivered(Addressee)
04/01/2025	09:58:35	Kothapeta(Guntur) S.O	Out for Delivery
04/01/2025	08:37:33	Kothapeta(Guntur) S.O	Item Received
04/01/2025	06:30:26	Guntur RS TMO	Item Dispatched
04/01/2025	06:19:38	Guntur RS TMO	Item Received
04/01/2025	05:20:05	Guntur ICH	Item Dispatched
04/01/2025	04:14:23	Guntur ICH	Item Bagged
04/01/2025	01:47:20	Guntur ICH	Item Received
04/01/2025	01:22:30	Guntur RS TMO	Item Dispatched
04/01/2025	01:20:55	Guntur RS TMO	Item Received
03/01/2025	21:47:44	Rajahmundry TMO	Item Dispatched
03/01/2025	21:46:03	Rajahmundry TMO	Item Received
03/01/2025	20:04:32	Rajahmundry ICH	Item Dispatched
03/01/2025	19:59:40	Rajahmundry ICH	Item Bagged
03/01/2025	18:26:53	Rajahmundry ICH	Item Received
03/01/2025	16:30:03	Vullithota S.O	Item Dispatched
03/01/2025	16:29:09	Vullithota S.O	Item Bagged
03/01/2025	10:34:48	Vullithota S.O	Item Booked

RN600072882IN ITR:522002RN60072882

KL VULLITHOTA S.O &lt;53310&gt;

Counter No:2,03/01/2025,10:34

To:THE DEPUTY CO. ENRODMENTS

PIN:522002, Guntur H.O

From: T SURYAKANYAM, 7-4-2

UT:4,MIS:ATL, Fee:5.00,REG-17.0

Amt:41.30, Tax:6.30, Amt.Paid:91.00(Cash)

Track on www.indiapost.gov.in

QId:18002666688 &lt;Wear Masks&gt;



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\* Consignment Number

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Booked At	Booked On	Destination Pincode	Tariff	Article Type	Delivery Location	Delivery Confirmed On
Vullithota S.O	03/01/2025 10:34:48	533004	41.30	Registered Letter	Kakinada H.O	06/01/2025 13:11:03

### Event Details For : RN600072746IN

Current Status : Item Delivered(Addressee)

Date	Time	Office	Event
06/01/2025	13:11:03	Gandhinagar(KKD) S.O	Item Delivered(Addressee)
06/01/2025	10:06:17	Gandhinagar(KKD) S.O	Out for Delivery
06/01/2025	09:22:34	Gandhinagar(KKD) S.O	Item Received
05/01/2025	05:47:16	Samalkot TMO	Item Dispatched
05/01/2025	05:36:36	Samalkot TMO	Item Received
05/01/2025	04:20:59	Rajahmundry TMO	Item Dispatched
05/01/2025	04:06:17	Rajahmundry TMO	Item Received
05/01/2025	03:05:39	Rajahmundry ICH	Item Dispatched
05/01/2025	02:16:26	Rajahmundry ICH	Item Bagged
05/01/2025	00:07:44	Rajahmundry ICH	Item Received
04/01/2025	15:02:42	Engg.College S.O	Item Dispatched
04/01/2025	14:55:20	Engg.College S.O	Item Bagged
04/01/2025	11:17:45	Engg.College S.O	Item Redirected to Gandhinagar(KKD) S.O Insufficient Address
04/01/2025	09:06:34	Engg.College S.O	Item Received
04/01/2025	06:00:51	Samalkot TMO	Item Dispatched
04/01/2025	05:52:00	Samalkot TMO	Item Received
04/01/2025	05:34:17	Rajahmundry TMO	Item Dispatched
04/01/2025	05:05:37	Rajahmundry TMO	Item Received
04/01/2025	01:09:15	Rajahmundry ICH	Item Dispatched

RN600072746IN IVA:0276600072746  
RL VULLITHOTA S.O (533101)  
Counter No:2.03/01/2025.10:34  
To:THE DEPUTY.COMMISSIONER  
PIN:533001, Kakinada H.O  
From:1 SRIKANTHAYANA,7-9-2

6/1/25

MEMOANDUM OF CONTEMPT CASE  
(U/s 10 to 12 OF Contempt of Court's Act  
r/w Article 215 of the Constitution of India)

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

C.C.No.            / 2025

Against

Review.No.1/2024 in W.P.No.28874 of 2014.  
(Hon'ble Mr Justice N Harinadh, Dt.03.12.2024)

Between:

T. Suryanarayana, S/o. Subba Rao, aged 69 years,  
Rtd Employee, R/o.D.No.7-10-22, Vulli Thota Street,  
Rajahmundry, East Godavari District.

.....Petitioner

And

1. Sri. Koduri Ramachandra Mohan, Commissioner,  
Endowments, Govt of AP, Gollapudi, Vijayawada

2. Sri. Kamineni Basava Srinivasa Rao, Deputy Commissioner,  
Endowments Dept. Guntur District.

3. Sri. Vadrevu Vinaychand IAS., Principal Secretary, Endowments  
Dept. Secretariat buildings, Velagapudi, Guntur District.

...Respondents

\*\*\*\*\*

The address of the Petitioner for the purpose of notices, summons, etc.  
is the same as mentioned above and that of his Counsel, K K Durga Prasad  
(6138), Advocate, APHCAA, Amaravati. (9949933307).

For the reasons stated in the accompanying affidavit, the Petitioner  
herein prays that this Hon'ble court may be pleased to punish the  
Respondent/Contemnor for Contempt of Court for willful and deliberately  
flouting the orders passed by this Hon'ble Court Dt.03.12.2024 in  
Review.No.1/2024 in W.P.No.28874/2014 under the Contempt of Court's Act,  
1972 and pass such other and further order as this Hon'ble Court may deem  
fit and proper in the circumstances of the case.

Amaravati.  
Dt.13.02.2025

  
Counsel for the Petitioner

CrP

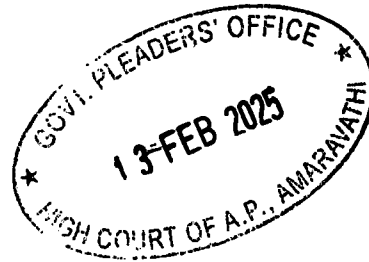
GUNTUR DIST

IN THE HIGH COURT OF  
AP AT AMARAVATI

C.C.No. / 2025  
Against  
Review.No.1/2024 in  
W.P.No.28874 of 2014  
(Hon'ble Mr Justice N  
Harinadh, Dt.03.12.2024)

Endg

CONTEMPT CASE



Filed on: 13.02.2025

Filed on:

K K DURGA PRASAD (6138)

Counsel for the Petitioner



9343  
9347360657