

**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI**  
**PRESENT**  
**THE HONOURABLE SRI JUSTICE HARINATH.N**  
**+WRIT PETITION No. 30653 of 2014**  
**%02.03.2026**

**Between:**

1.B.RAMAIAH, S/O. LATE VENKATAPPA, AGED ABOUT 67 YEARS,  
OCC: RTD.EMPLOYEE, R/O. H.NO.2-44, TUVVACHENUPALLI  
VILLAGE, PANAPAKAM POST, CHANDRAGIRI MANDAL, TIRUPATI,  
CHITTOR DISTRICT .

**...PETITIONER**

**AND**

1.THE GOVT OF A P, REP.BY ITS COMMISSIONER, ENDOWMENT  
DEPARTMENT, TILAK ROAD, HYDERABAD.

2.SRI SWAMY HATHIRAMJEE MUTT, 122, GANDHI ROAD, TIRUPATI  
REP.BY ITS MAHANTH, TIRUPATHI, CHITTOOR DISTRICT

**...RESPONDENT(S):**

**Counsel for the Petitioner:**

1.AVANIJA INUGANTI

**Counsel for the Respondent(S):**

1.T VENU GOPAL SC FOR ENDOWMENTS (RAYALASEEMA REGION)

2.GP FOR ENDOWMENTS (AP)

**The Court made the following:**

**<Gist:**

**>Head Note:**

**? Cases referred:**

1. 2025 SCC OnLine 1442
2. (2013) 12 SCC 210

This Court made the following:

**THE HONOURABLE SRI JUSTICE HARINATH.N**

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TIRUPATI REP.BY ITS MAHANTH, TIRUPATHI, CHITTOOR  
DISTRICT

**...RESPONDENT(S):**

DATE OF ORDER PRONOUNCED: 02.03.2026

**SUBMITTED FOR APPROVAL:**

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

1. Whether Reporters of Local newspapers may  
be allowed to see the Judgments? Yes/No

2. Whether the copies of order may be marked  
to Law Reporters/Journals? Yes/No

3. Whether Your Lordships wish to see the fair  
copy of the order?  
  
Yes/No

**JUSTICE HARINATH.N**

APHC010308742014



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

[3457]

MONDAY, THE SECOND DAY OF MARCH  
TWO THOUSAND AND TWENTY SIX

**PRESENT**

**THE HONOURABLE SRI JUSTICE HARINATH.N**

**WRIT PETITION NO: 30653/2014**

**Between:**

1. B. RAMAIAH, S/O. LATE VENKATAPPA, AGED ABOUT 67 YEARS,  
OCC: RTD.EMPLOYEE, R/O. H.NO.2-44, TUVVACHENUPALLI  
VILLAGE, PANAPAKAM POST, CHANDRAGIRI MANDAL, TIRUPATI,  
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DEPARTMENT, TILAK ROAD, HYDERABAD.  
2. SRI SWAMY HATHIRAMJEE MUTT, 122, GANDHI ROAD, TIRUPATI  
REP. BY ITS MAHANTH, TIRUPATHI, CHITTOOR DISTRICT

**...RESPONDENT(S):**

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 particularly in the nature of Writ of Mandamus declaring the action of the respondents in not releasing the petitioner's terminal benefits and the full pension pursuant to his retirement on 31-8-2006 in the 2nd respondent organization as illegal, arbitrary and violative of Article 14, 16, 21 and 300-A of the Constitution of India and consequently direct the respondents to forthwith release the petitioner's terminal benefits and full pension without proceeding further under the guise of departmental enquiry

**IA NO: 1 OF 2014(WPMP 38335 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 respondents to forthwith release the petitioner's terminal benefits and full Pension without proceeding further under the guise of departmental enquiry by duly considering the petitioner representation dated 21-03-2014 pending disposal the writ petition

**IA NO: 1 OF 2026**

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 May be pleased to grant leave for filing counter affidavit in the W.P.No. 30653 of 2014 and pass

**Counsel for the Petitioner:**

- 1.AVANIJA INUGANTI

**Counsel for the Respondent(S):**

- 1.T VENU GOPAL SC FOR ENDOWMENTS (RAYALASEEMA REGION)
- 2.GP FOR ENDOWMENTS (AP)

**The Court made the following:**

**ORDER:-**

The petitioner is aggrieved by the action of the respondents in not releasing the petitioner's terminal benefits, including pension, with effect from his date of retirement i.e., 31.08.2006.

2. The learned counsel appearing for the petitioner submits that the petitioner was appointed as a Clerk in the 2<sup>nd</sup> respondent organization on 23.11.1968 and his probation was declared on 31.12.1972. Thereafter, the petitioner was functioning as a Superintendent. A criminal case was registered against the petitioner and several other persons by the then Administrative Officer of the respondent No.2 on 31.08.2004. Crime No.239 of 2004 was registered under Sections 420, 468, 471, 473 and 474 of IPC. On account of the said case, the 2<sup>nd</sup> respondent suspended the petitioner vide proceedings dated 07.09.2004.

3. It is submitted that the CCA Regulations and Rules are to be followed by the respondent No.2 and they govern the services of the petitioner as well. Pending trial in the criminal case, the 2<sup>nd</sup> respondent, through the Administrative Officer, issued a charge memo dated 23.01.2005 levelling the same charges which are the subject matter of the criminal case. On 26.09.2004, the Regional Joint Commissioner of Endowments issued a notice to the petitioner duly communicating the submission of the enquiry report. An Enquiry Officer was appointed vide proceedings dated 23.01.2010.

It is submitted that the enquiry has so far neither commenced nor concluded. However, the petitioner attained the age of superannuation on 31.08.2006.

4. The petitioner is facing trial in C.C.No.320 of 2008 and it is submitted that the trial is yet to be concluded. It is submitted that on account of the pendency of the departmental proceedings and also the criminal case against the petitioner, the respondents have denied the service benefits, including pension, due and payable to the petitioner. The learned counsel further submits that the respondents could not have withheld the pension and other terminal benefits on the sole ground that disciplinary proceedings are pending against the petitioner and a criminal case is pending against him. It is further submitted that the petitioner's son passed away at the age of 24 years and his wife has also passed away. The petitioner is unable to sustain himself and is now aged about 79 years and has no other source of income to sustain himself.

5. The learned counsel for the petitioner has placed on record the copy of the E-Courts proceedings which show the pendency of C.C.No.320 of 2008 on the file of the II Additional Junior Civil Judge, Tirupati, for trial. It is submitted that five (05) of the accused therein passed away during the pendency of the trial.

6. The learned Standing Counsel appearing for respondent No.2 submits that a detailed counter is filed and that as per the Pension Rules, 1996, when a case is pending against the employee, he is not entitled to any terminal

benefits. It is submitted that as and when the Criminal Case is decided, the case of the petitioner would be appropriately dealt with. It is also submitted that the petitioner is facing serious allegations of misconduct and, as such, ought not to be granted any relief.

7. Heard the learned counsel for the petitioner and the learned Standing Counsel for respondent No.2.

8. Perused the record.

9. The learned counsel for the petitioner has placed reliance on the judgment of the **Hon'ble Supreme Court in *State of Jharkhand and others vs. Jitendra Kumar Srivastava and another***<sup>1</sup>, wherein the Hon'ble Supreme Court dismissed the appeal preferred by the State of Jharkhand against the order passed by the High Court of Jharkhand. The High Court had held that in the absence of any provisions in the Pension Rules, the State Government could not have withheld part of the pension and/or gratuity during the pendency of the departmental/criminal proceedings.

10. The Memo No.110169/Ser.C/2003, dated 11.09.2003, was issued by the State whereby orders were issued fixing an upper limit for a period of suspension as two (02) years. After completion of the said two-year period of suspension, the employee is entitled for reinstatement and only in exceptional cases the suspension period may extend beyond two (02) years.

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<sup>1</sup> (2013) 12 SCC 210

11. The Hon'ble Supreme Court in ***Vinay Kumar vs. Central Bank of India and others***<sup>2</sup>, has allowed the appeal and set aside the order of the High Court and the order of the Field General Manager reducing pension without prior consultation with the Board of Directors. It was left open to the Bank to take an appropriate decision regarding reduction of pension after giving an opportunity of hearing and with prior consultation of the Board. The Hon'ble Supreme Court also observed that there is no dispute that pension is not a discretion of the employer but a valuable right to property and can be denied only through authority of law.

12. Pension is not a bounty, gratuity, or ex gratia payment dependent on the employer's will.

13. On the facts of the present case, admittedly the petitioner joined the service of the 2<sup>nd</sup> respondent in the year 1968 and attained the age of superannuation on 31.08.2006. The petitioner served the 2<sup>nd</sup> respondent for about 36 years before the registration of the criminal case against him and the said case was registered two (02) years prior to his retirement.

14. The respondents in their counter have also not referred to any other instance or allegation against the petitioner except the registration of the criminal case in the year 2004 and the disciplinary enquiry initiated in the year 2010.

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<sup>2</sup> 2025 SCC OnLine 1442

15. The disciplinary proceedings were initiated after four (04) years from the retirement of the petitioner. As on date, there is nothing on record to show the status of the said departmental enquiry. The criminal case is also pending from the year 2008 onwards and during the pendency of the criminal case five (05) of the arrayed accused passed away. The respondents cannot be justified in withholding the service benefits, terminal benefits and pension to the petitioner solely on the ground that the departmental enquiry is pending and the petitioner is facing trial in the criminal case.

16. There is no justification in the submission of the learned Standing Counsel appearing for respondent No.2 that the petitioner cannot be considered as a Government employee and that he does not come within the definition of an employee and, as such, is not entitled to pension. The 1<sup>st</sup> respondent had appointed the Regional Joint Commissioner of Endowments as an Enquiry Officer for conducting the enquiry and to submit a report against the petitioner. These proceedings speak contrary to the stand of the respondents.

17. Rule 9 of the Revised Pension Rules entitles the Government to withhold or withdraw pension or gratuity, or both, either in full or in part, whether permanently or for a specified period, and also to order recovery from pension or gratuity of the whole or part of any pecuniary loss caused to the Government or to a local authority, if in any departmental or judicial proceedings the pensioner is found guilty of grave misconduct or negligence during the period of his service.

18. On the facts of the present case, the petitioner is only alleged to have committed offences in a crime registered in the year 2004 and, as on date, he has not been held guilty of any of the charges either in the criminal case or in the departmental proceedings. As such, the respondents could not have withheld his terminal benefits and pension pursuant to his retirement on 31.08.2006. The irrational acts of the respondents are endangering the fundamental right to life of the petitioner.

19. With the above observations, this Writ Petition is allowed making it clear to the respondents to release the terminal benefits and full pension together with arrears within a period of eight (08) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

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

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**JUSTICE HARINATH.N**

02.03.2026

Note: LR Copy to be marked.

B/o. PNS