



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

[3460]

WEDNESDAY, THE TWELFTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION NO: 19532/2023

Between:

1. PANCHUMARTHI SUBBA RAO, S/O SAMBASIVA RAO
(DIED PER L.R.) SMT. PANCHUMARTHI KALAVATHI W/O.
PANCHUMARTHI SUBBA RAO, AGED ABOUT 54 YEARS
H.NO.23-37/1, NEHRU NAGAR, NANDIGAMA VIL. AND
POST NANDIGAMA MANDAL, KRISHNA DISTRICT.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS
PRINCIPAL SECRETARY, SCHOOL EDUCATION
DEPARTMENT, SECRETARIAT VELAGAPUDI, GUNTUR
DISTRICT.

2. THE STATE OF ANDHRA PRADESH, REP. BY ITS
PRINCIPAL SECRETARY, FINANCE DEPARTMENT,
SECRETARIAT VELAGAPUDI, GUNTUR DISTRICT.

3. THE COMMISSIONER OF SCHOOL EDUCATION, STATE OF
ANDHRA PRADESH, IBRAHIMPATNAM, KRISHNA
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 any appropriate Writ, order or direction, more particularly one in the nature of WRIT OF MANDAMUS, by declaring the action of the Respondents in not

granting the same benefit to the petitioners herein as granted to similarly placed persons in pursuant to the G.O.Ms.No. 179, School Education (Prog.I) Department, dated 18.11.2022 as illegal, arbitrary and discriminatory and contrary to Article 14, 16 and 300A of the Constitution of India and consequently direct the Respondents to count the period of service rendered by the Petitioners prior to their regularization on 13.02.2009 and 24.07.2009 for the purpose of pension and pensionary benefits as already been granted by the Honourable Administrative Tribunal and confirmed by this Honourable Court and the Honourable Supreme Court and pass

IA NO: 1 OF 2023

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

IA NO: 1 OF 2025

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 grant leave to file the Counter affidavit in W.P.No.19532 of 2023 in the interest of justice and may be pleased to pass

Counsel for the Petitioner:

1.SAREDDY SRINIVASASA REDDY

Counsel for the Respondent(S):

1.GP FOR SERVICES III

2.GP FOR SERVICES I

The Court made the following:

HON'BLE SRI JUSTICE NYAPATHY VIJAY**W.P.No.19532 of 2023****ORDER :**

The present Writ Petition is filed to declare the action of the Respondents in not granting the same benefit to the husband of the Petitioner as was granted to the similarly placed persons pursuant to G.O.Ms.No.179, School Education (Prog.I) Department, dated 18.11.2022, as illegal and arbitrary.

2. The facts in brief are as follows;

Initially, the Government vide G.O.Ms.No.366, School Education (F2), dated 14.07.1984, had introduced a Scheme of Vocational Education during the years 1984-85 and 1985-86 in 345 schools based on the recommendation of the V.R. Reddy Committee's report with a view to make the students learning in the schools are not only eligible for higher education, but to equip themselves with the vocational skills required for gainful employment. The said scheme was implemented in 297 High Schools and 48 Mandal Vocational Educational Centres in the consolidated State and 1030 Part-Time Vocational Instructors were engaged in Government, Aided and Local Body High Schools to impart Vocational Education. The 1030 Part-Time Vocational Instructors were being paid consolidated pay of Rs.3,500/- per month as honourarium.

3. In view of their long service, the State Government after due consideration decided to regularize the services of the Part-Time Vocational Instructors in the existing Craft Teachers vacancies vide G.O.Ms.No.31, School Education (Prog.D) Department, dated 13.02.2009.

4. Subsequently, the request of the husband of the Petitioner and the persons similarly placed, for counting of their past services rendered prior to the date of regularization for the purpose of pension was rejected by the Respondent-authorities. Questioning the same, O.A.No.2889 of 2015 was filed by the persons similarly situated as that of the Petitioner before the Andhra Pradesh Administrative Tribunal (for short “**A.P.A.T**”) and the same was disposed of by the A.P.A.T on 27.04.2017 directing the Respondent-authorities to count their services rendered prior to the date of regularization for the purpose of pension. Similar orders were passed in a number of O.As filed by similarly placed persons.

5. Aggrieved by the decision rendered in O.A.No.2889 of 2015, dated 27.04.2017, the Government had filed W.P.No.1425 of 2019 before this Court and the Division Bench of this Court dismissed the said Writ Petition on 15.10.2019 upholding the order of the A.P.A.T. The Paragraph Nos.10, 11 and 12 are extracted below;

“10. In view of the judgments of the Apex Court and other High Courts referred to above, we are of the view that the past service of the applicant, who is the respondent herein, prior to his regularisation, has to be considered for the purpose of pensionary benefits.

11. It is also to be noted here that the orders passed by the Tribunal in O.A.No.6524 of 2014 and batch, dated 14.11.2014 were not challenged and they have become final. Therefore, once the orders of the Tribunal are not challenged and have become final, there is no other option for the authorities except to implement the same.

12. Viewed from any angle, we find no grounds to interfere with the impugned order and the writ petition is liable to be dismissed.”

6. The Hon’ble Division Bench relied on the Judgments of the Hon’ble Supreme Court in **Devarakonda Sri Lakshmi v. Government of A.P.**¹ and **State of Tamil Nadu v. T.N. Registration Department Ministerial Service Association**² apart from the Division Bench Judgment of this Court in **State of Andhra Pradesh v. M. Raja Rao**³ and also the Karnataka High Court Judgement in **B.H. Mahadevappa**

¹ 2010 (2) ALD 165

² (2001) 10 SCC 473

³ Order dated 17.03.2016 in W.P.No.8201 of 2016

v. Karnataka Power Transmission Corporation Ltd. ⁴. Thereafter, persons similarly placed as applicants filed W.P.Nos.973 of 2020 and batch before this Court seeking for implementation of the Orders of A.P.A.T for counting of past service for the purpose of pension. The Division Bench of this Court allowed the said Writ Petitions on 20.01.2020. The relevant portion of the Judgment is extracted below;

“In view of the above reasons and as, according to the learned counsel for the petitioners, the orders passed by the Andhra Pradesh Administrative Tribunal have attained finality, this Court does not find any justification on the part of the authorities in not implementing the above said orders of the Andhra Pradesh Administrative Tribunal, as confirmed by this Court.

For the aforesaid reasons, these Writ Petitions are disposed of, directing the respondents to implement the orders of the Andhra Pradesh Administrative Tribunal, dated 27.04.2017, in Original Application Nos.2889, 2890, 2891, 2892, 2893, 2894, 2895, 2896, 2897, 2898, 2899, 2900, 2901, 2902, 2903, 2904, 2905, 2906 and 2907 of 2015 and O.A.Nos.2310 of 2015 with V.M.A.No.655 of 2015, within a period of three months from the date of receipt of a copy of this order. There shall be no order as to costs.”

7. The appeals filed by the State before the Hon’ble Supreme Court vide SLP (Civil) Appeal No.7474 of 2020 was dismissed on 08.02.2021

⁴ ILR 2006 Kar 3405 = MANU/KA/8167/2006

and the application seeking for review of the Order in SLP was also said to have been dismissed on 28.08.2022.

8. Subsequently, Contempt Cases were filed before this Court vide C.C.Nos.607 of 2020 and batch for not implementing the Orders of the A.P.A.T passed in O.A.Nos.2889 of 2015 and batch, dated 27.04.2017 as confirmed by this Court in W.P.Nos.973 of 2020 and batch, dated 20.01.2020.

9. The Respondent-State taking note of the totality of the facts and circumstances, implemented the Orders of this Court by issuing G.O.Ms.No.179, School Education (Prog.I) Department, dated 18.11.2022 and pre-regularized service rendered by the Vocational Instructors was permitted to be counted for the purpose of pensionary benefits. Hence, the present Writ Petition is filed seeking similar reliefs to the husband of the Petitioner.

10. In the Counter-Affidavit filed by the Respondent-State, it is stated that as per Rule 13 of the A.P. Revised Pension Rules, 1980, the husband of the Petitioner was appointed on part-time basis and he was not appointed against the sanctioned post. As the husband of the Petitioner was not appointed either on temporary basis or not in substantive post, his pre-regularization service cannot be taken into consideration. It is further contended that the regularization of the

husband of the Petitioner vide G.O.Ms.No.31, dated 13.02.2009 was prospective and that by the date of issuance of G.O.Ms.No.31, dated 13.02.2009, new pension scheme was in operation and as there is no contribution by the employees, extension of benefit to such employees is not possible.

11. Heard M. Srikanth for Sri Sareddy Srinivas Reddy, learned counsel for the Petitioner and Sri S.Raju, learned Assistant Government Pleader appearing for the Respondents.

12. The only issue in this Writ Petition is for extension of the benefit of G.O.Ms.No.179, dated 18.11.2022, as the husband of the Petitioner is placed exactly similar as those to whom the benefit was extended. In O.A.No.2889 of 2015, the A.P.A.T passed Order on 27.04.2017 directing counting of past service for the purpose of pensionary benefits.

13. The State Government then filed **W.P.No.1425 of 2019** before this Court questioning the Order, dated 27.04.2017 passed in O.A.No.2889 of 2015 and the Division Bench of this Court had dismissed the said Writ Petition vide Order dated 15.10.2019. The relevant portion of the Order reads as under;

“10. In view of the judgments of the Apex Court and other High Courts referred to above, we are of the view

that the past service of the applicant, who is the respondent herein, prior to his regularisation, has to be considered for the purpose of pensionary benefits.

11. It is also to be noted here that the orders passed by the Tribunal in O.A.No.6524 of 2014 and batch dated 14.11.2014 were not challenged and they have become final. Therefore, once the orders of the Tribunal are not challenged and have become final, there is no other option for the authorities except to implement the same.

12. Viewed from any angle, we find no grounds to interfere with the impugned order and the writ petition is liable to be dismissed.

13. Accordingly, the Writ Petition is dismissed. No costs."

14. The Division Bench of this Court relied upon Judgements of the Hon'ble Supreme Court in **Devarakonda Srilakshmi's** case (1 supra), **T.N. Registration Department Ministerial Service Association's** case (2 supra) and the Division Bench Judgement of High Court of Judicature at Hyderabad for the State of Telangana and Andhra Pradesh in **M. Raja Rao's** case (3 supra) and Karnataka High Court Judgement in **B.H. Mahadevappa's** case (4 supra).

15. Thereafter, **W.P.Nos.973 of 2020 and batch** were filed by the applicants similarly placed as husband of the Petitioner for

implementation of the Orders of A.P.A.T in respective O.As for counting of past service for the purpose of pension. The Division Bench of this Court vide Order, dated 20.01.2020 disposed of W.P.Nos.973 of 2020 and batch granting three (3) months time for implementation. The operative portion of the Order reads as under;

“In view of the above reasons and as, according to the learned counsel for the petitioners, the orders passed by the Andhra Pradesh Administrative Tribunal have attained finality, this Court does not find any justification on the part of the authorities in not implementing the above said orders of the Andhra Pradesh Administrative Tribunal, as confirmed by this Court.

For the aforesaid reasons, these Writ Petitions are disposed of, directing the respondents to implement the orders of the Andhra Pradesh Administrative Tribunal, dated 27.04.2017, in Original Application Nos.2889, 2890, 2891, 2892, 2893, 2894, 2895, 2896, 2897, 2898, 2899, 2900, 2901, 2902, 2903, 2904, 2905, 2906 and 2907 of 2015 and O.A.Nos.2310 of 2015 with V.M.A.No.655 of 2015, within a period of three months from the date of receipt of a copy of this order. There shall be no order as to costs.”

16. The State Government then filed appeals before the Hon'ble Supreme Court had dismissed the SLP (Civil) Appeal No.7474 of 2020 on 08.02.2021 and the application seeking for review of the Order in SLP was also said to have been dismissed on 28.08.2022.

17. As the Orders of this Court in W.P.No.973 of 2020 and batch were not complied, Contempt Cases were filed before this Court vide ***C.C.Nos.607 of 2020 and batch***. At that stage, the Respondent-State taking note of the totality of the facts and circumstances, implemented the Orders of this Court by issuing G.O.Ms.No.179, School Education (Prog.I) Department, dated 18.11.2022 and pre-regularized service rendered by the Vocational Instructors was permitted to be counted for the purpose of pensionary benefits.

18. The husband of the petitioner is undoubtedly placed similar to the Petitioners in W.P.No.973 of 2020 and batch, who had filed Contempt Cases and there is no reason not to extend the benefit of G.O.Ms.No.179, dated 18.11.2022.

19. In matters of implementation of Orders of this Court, there cannot be a different approach by the Respondent-State and the Respondent-State is bound to extend the benefit of counting of pre-regularization service for the purpose of pension to the Part-time Vocational Lecturers rather than piecemeal approach just to avoid Contempt Cases. The approach of the State Government in not extending the benefit of G.O.Ms.No.179, dated 18.11.2022 to the husband of the Petitioner is discriminatory and an affront to Articles 14 and 16 of the Constitution of India.

20. It is pertinent to mention that the individuals, who were not part of the Original Applications before the A.P.A.T had filed **W.P.Nos.9381 of 2023 and batch** before this Court seeking for the benefit of counting of their pre-regularized service for the purpose of pension. This Court disposed of the said Writ Petitions vide Common Order on 11.05.2023 directing the Respondents to consider the case of the Petitioners therein for extending the benefit of G.O.Ms.No.179, dated 18.11.2022. The Writ Appeals filed there on i.e. **W.A.Nos.29 of 2024 and batch** were dismissed by this Court on 30.08.2025.

21. Considering that in a plethora of cases, this High Court as well as A.P.A.T as mentioned above, had directed for counting of past service of the 1030 Part-Time Vocational Instructors for the purpose of pension, the Respondent-State in all fairness should implement the said benefit irrespective of whether the individual approaches Court for the said relief or not. Considering the repeated pronouncements of this Court on this aspect, non-compliance of the directions given below within the time frame specified, shall be considered as Contempt of the Orders of this Court.

23. In the light of the above, the Writ Petition is disposed of with following directions;

(i) The State Government shall count the pre-regularisation service of the husband of the Petitioner as Part-Time Vocational Instructors for the purpose of fixation of pension and shall extend the benefit of G.O.Ms.No.179, dated 18.11.2022;

(ii) The Respondents are directed to implement the Orders of this Court, within a period of three (03) months from the date of receipt of this order;

(iii) No order as to costs.

As a sequel, the miscellaneous petitions if any shall stand dismissed.

NYAPATHY VIJAY, J

Date: 12.11.2025

KLP