

SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
TUESDAY, THE FOURTH DAY OF APRIL
TWO THOUSAND AND TWENTY THREE



:PRESENT:

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA
WRIT PETITION NO: 8318 OF 2023

Between:

P. Pandu Rangamma, W/o. K. Appala Raju, aged about 69 years, Occ: Retired School Assistant Hindi Pandit, Z.P. High School (Boys), Tanuku, Tanuku Mandal, West Godavari District, R/o. W/o. Pydiparru, Tanuku Mandal, West Godavari District - 534211.

... Petitioner

AND

1. The State of AP, Represented by its Principal Secretary, School Education Department, Secretariat, Velagapudi, Amaravathi at Vijayawada.
2. The Principal Accountant General (A & E), Andhra Pradesh, Stalin Central Mall, Door No. 27-37-158, 6th and 7th Floor, M.G. Road, Governorpet, Vijayawada - 520002.
3. The Director of Treasuries and Accounts Cum Chief Executive Officer, Comprehensive Financial Management System (CFMS), Anjaneya Towers, 6th Floor, Ibrahim Patnam, Vijayawada - 521456.
4. The District Educational Officer, West Godavari District at Bhimavaram.
5. The District Treasury Officer, West Godavari District at Bhimavaram.
6. The Sub Treasury Officer, Tanuku, West Godavari District.
7. The Head Master, Z.P. High School (Boys), Tanuku, Tanuku Mandal, West Godavari District.

.... Respondents

WHEREAS the Petitioner above named through her Advocate Sri. A V V S Bhujanga Rao, presented this 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, to declare the action of the respondents in withholding/recovery an amount of Rs. **2,15,717/-** from petitioner's retirement gratuity that too after their retirement as excess paid under G.O. Ms. No. 330, Education Department, Dated. 10-08-1983 in violation of the full bench judgment of the Hon'ble High Court in W.P. No. 21457 of 2004 reported 2010 4 ALT 145 and State of Punjab and others Vs Rafiq Masih reported in 2015 4 SCC 334 and as per the Division Bench of Hon'ble Telangana High Court in W.P. No. 32896 of 2013 and Batch dated. 24-02-2022 is as illegal, arbitrary and unconstitutional and consequently declare that the petitioner is entitled for repayment of the recovered/withheld gratuity amount of Rs. **2,15,717/-** as per to the Division Bench orders of this Hon'ble Court passed in W.P. No. 33315 of 2013 Dated. 22-06-2020 and Division Bench orders in W.P. No. 31507 of 2013 and Batch and Division Bench orders in W.P. No. 33594 of 2013 dated. 06-04-2021 along with interest at the

rate of 12percent on delay payment from the date on which the gratuity becomes payable till such payment is made;

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri. A V V S Bhujanga Rao, Advocate for the Petitioner, learned GP for Service-III, directed issue of notice to the Respondents herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. The Principal Secretary, State of Andhra Pradesh, School Education Department, Secretariat, Velagapudi, Amaravathi at Vijayawada.
2. The Principal Accountant General (A & E), Andhra Pradesh, Stalin Central Mall, Door No. 27-37-158, 6th and 7th Floor, M.G. Road, Governorpet, Vijayawada - 520002.
3. The Director of Treasuries and Accounts Cum Chief Executive Officer, Comprehensive Financial Management System (CFMS), Anjaneya Towers, 6th Floor, Ibrahim Patnam, Vijayawada - 521456.
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5. The District Treasury Officer, West Godavari District at Bhimavaram.
6. The Sub Treasury Officer, Tanuku, West Godavari District.
7. The Head Master, Z.P. High School (Boys), Tanuku, Tanuku Mandal, West Godavari District.

are be and hereby directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted, on or before 18.04.2023, on which date the case stands posted for hearing.

The Court made the following ORDER

"Notice before admission.

At request of learned Government Pleader for Services-III, list the matter on 18.04.2023, in motion list, for getting instructions."

Sd/- B. PRASADA RAO
ASSISTANT REGISTRAR

//TRUE COPY//

For

SECTION OFFICER

To

1. The Principal Secretary, State of Andhra Pradesh, School Education Department, Secretariat, Velagapudi, Amaravathi at Vijayawada.
2. The Principal Accountant General (A & E), Andhra Pradesh, Stalin Central Mall, Door No. 27-37-158, 6th and 7th Floor, M.G. Road, Governorpet, Vijayawada - 520002.

3. The Director of Treasuries and Accounts Cum Chief Executive Officer, Comprehensive Financial Management System (CFMS), Anjaneya Towers, 6th Floor, Ibrahim Patnam, Vijayawada - 521456.
4. The District Educational Officer, West Godavari District at Bhimavaram.
5. The District Treasury Officer, West Godavari District at Bhimavaram.
6. The Sub Treasury Officer, Tanuku, West Godavari District.
7. The Head Master, Z.P. High School (Boys), Tanuku, Tanuku Mandal, West Godavari District. (addressees Nos.1 to 7 by RPAD- along with a copy of petition and memorandum of grounds)
8. One CC to Sri. A V V S Bhujanga Rao, Advocate [OPUC]
9. Two CCs to GP FOR SERVICES III ,High Court Of Andhra Pradesh. [OUT]
10. One spare copy

KJ

HIGH COURT

NV,J

DATE: 04/04/2023

NOTE: list the matter on 18.04.2023

NOTICE BEFORE ADMISSION

WP.NO.8318 of 2023

