

(SHOW CAUSE NOTICE BEFORE ADMISSION)

[3279]

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

(Special Original Jurisdiction)

TUESDAY, THE SIXTH DAY OF JULY TWO THOUSAND AND TWENTY ONE

:PRESENT:

THE HONOURABLE SRI JUSTICE JOYMALYA BAGCHI
AND
THE HONOURABLE SRI JUSTICE K SURESH REDDY

WRIT PETITION NO: 12783 OF 2021

Between:

1. Union of India, rep by The Secretary to the Govt. of India M/o Communication and IT Department of Posts, New Delhi - 110001.
2. The Chief Postmaster General, AP Circle, Vijayawada 520 013
3. The Postmaster General, Vijayawada Region, Vijayawada - 520 003
4. The Director Postal accounts, AP TG Circles, Hyderabad, Now The General Manager (Finance and Postal Accts.) Vijayawada 520 013
5. The Sr. Superintendent of Post Offices, Prakasam Postal Division at Ongole - 523001

Petitioner

AND

Sri Ch Gopalaiah, Gr-C S/o Ch Sundaraiahm, Aged 70 years Occ Retired Postman MG Cloth Market SO, Chirala R/o D.No.2-15-3, Vittal Nagaram, Perala-523 157, Prakasam Dt, AP.

Respondents

WHEREAS the Petitioners above named through their Advocate Sri.N.Harinath, (Asst Solicitor General) 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 a writ order or direction, more particularly one in the nature of Writ of Certiorari, calling for the records pertaining to the impugned order dated 17-07-2020 in OA.No.352/2020 on the file of the Central Administrative Tribunal, Hyderabad Bench, Hyderabad and quash the same;

AND WHEREAS the High Court upon perusing the petition and affidavit/memorandum of grounds filed herein and upon hearing the arguments of Sri.Harinath N. (Asst Solicitor General) for Petitioners, directed issue of notice to the Respondents herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

Sri Ch Gopalaiah, Gr-C S/o Ch Sundaraiahm, Aged 70 years, Occ Retired Postman MG Cloth Market SO, Chirala, R/o D.No.2-15-3, Vittal Nagaram, Perala-523 157, Prakasam Dt, AP.

are 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 12.08.2021, on which date the case stands posted for hearing.

IA NO: 1 OF 2021

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 suspend the operation of the order in OA No. 352/2020 dated 17.07.2020 on the file of the Central Administrative Tribunal, Hyderabad Bench, Hyderabad, pending disposal of the Writ Petition No. 12783 of 2021, on the file of the High Court.

THE COURT MADE THE FOLLOWING ORDER:

(Proceedings taken up through video conferencing).

Notice before admission.

Learned Assistant Solicitor General appearing for Union of India contends that the Madras High Court failed to appreciate Fundamental Rule 56 and the relevant pension Rules in its proper perspective in P.Ayyamperumal Vs. The Registrar in W.P.No. 15732 of 2017. Dismissal of the SLP in limini against such order cannot be treated as binding precedent. On the other hand, the Delhi High Court in W.P.(C) No.9062 of 2018 and C.M.No.34892 of 2018 in its judgment dated 23.10.2018 has taken a contrary view. Similarly, a Full Bench of the Andhra Pradesh High Court in Principal Accountant General and Others Vs. C.Subba Rao has taken a view contrary to that of the Madras High Court.

In view of the aforesaid submissions and as two other High Courts including the erstwhile Andhra Pradesh High Court have taken a view contrary to the decision of the Madras High Court in P.Ayyamperumal's case (supra), we are inclined to direct interim suspension of the order impugned for a period of twelve (12) weeks or until further orders, whichever is earlier.

Post on 12.08.2021 along with W.P.No.5873 of 2021.

SD/-V.SATYANARAYANA

ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. Sri Ch Gopalaiah, Gr-C S/o Ch Sundaraiahm, Aged 70 years, Occ Retired Postman MG Cloth Market SO, Chirala R/o D.No.2-15-3, Vittal Nagaram, Perala-523 157, Prakasam Dt, AP. (by RPAD along with a copy of petition and affidavit)
2. One CC to SRI.N.Harinath (Asst Solicitor General) Advocate [OPUC]
3. The Section Officer, Posting Section, High Court of A.P., Amaravati.
4. The Section Officer, Writ Service - Division Bench, High Court of A.P., Amaravati.
5. Two spare copies

SRL

HIGH COURT

JBJ & KSRJ

DATED:06/07/2021

NOTE: POST ON 12.08.2021 ALONG WITH W.P.No.5873 OF 2021

NOTICE BEFORE ADMISSION

WP.No.12783 of 2021

DIRECTION

