

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

MAIN CASE NO.: W.P.No.15589 of 2021

PROCEEDING SHEET

Sl.No.	Date	ORDER	OFFICE NOTE
01.	04.08.2021	<p><u>JB, J & KSR, J</u></p> <p style="text-align: center;"><u>(Proceedings taken up through video conferencing)</u></p> <p style="text-align: center;"><u>W.P.No.15589 of 2021</u></p> <p>Notice before admission.</p> <p>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 <i>P.Ayyamperumal Vs. The Registrar</i> in W.P.No.15732 of 2017. Dismissal of the SLP <i>in limini</i> 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 <i>Principal Accountant General and Others Vs. C.Subba Rao</i>¹ has taken a view contrary to that of the Madras High Court.</p> <p>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 <i>P.Ayyamperumal's case (supra)</i>, 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.</p> <p style="text-align: center;">Post on 06.10.2021.</p> <p style="text-align: right;">Joymalya Bagchi, J</p> <p style="text-align: right;">K.Suresh Reddy, J Rpd</p>	

¹ (2005) 2 ALD 1