

[3432]

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
FRIDAY, THE TWENTY SECOND DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE D.V.S.S.SOMAYAJULU

AND

THE HONOURABLE SRI JUSTICE DUPPALA VENKATA RAMANA

IA No. 2 OF 2023

IN

WA NO: 905 OF 2023



Between:

Madanapalle Municipality, Madanapalle, Chittoor District, now Annamayya District.
Rep. by its Commissioner

...Appellant
(Petitioner in WA 905 OF 2023
on the file of High Court)

AND

1. K Ramana, S/o. Subbanna, Aged about 63 years, Occ Public Health Worker, Retired while working at O/o. Commissioner of Madanapalli Municipality, R/o. 4-120-A, 2nd Floor, Siva Nagar, Madanapalle, Annamayya District, Formerly Chittoor District.

Respondent/Writ petitioner

2. The State of AP, Represented by its Spl. Chief/ Principal Secretary to Government, MA AND D Department, Secretariat, Velagapudi, Amaravathi, Guntur District.
3. The Commissioner and Director of MA AND UD Department, AP, Vijayawada, Krishna District.
4. The District Audit Officer, State Audit, Chittoor District.
5. The Commissioner of Madanapalle Municipality, , Madanapalle, Chittoor District
(R5 not necessary party)

...Respondents
(Respondents in-do-)

Counsel for the Petitioner : P C REDDY (SC SERVICE MUNICIPALITIES RR, NELLORE)

Counsel for the Respondent No.1: HARINATH REDDY SOMAGUTTA

Counsel for the Respondent Nos. 2 and 3: GP FOR SERVICES-IV

Counsel for the Respondent No.4: GP FOR SERVICES-I

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 stay the order of the learned Judge passed in WP.no.17982/2023 dated 07.08.2023, Pending disposal of WA No. 905 of 2023, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order. (The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER

“Heard the Sri O.Manohar Reddy, learned senior counsel appearing for the appellant and learned counsel for the writ petitioner. They are also relying upon the judgments which are produced in this Court.

Learned counsel for the writ petitioner submits that unless and until the salary is paid out of the consolidated fund of the State, Rule 14 of 1980 revised pension Rules, would not be applicable.

The plain language interpretation of the Rule makes it clear.

However, learned counsel for the writ petitioner points out that in case of similar placed employee in the Municipality only, an order was passed in W.P.No.34522 of 2016.

Learned senior counsel appearing for the appellant also produced certain case laws along with a memo. These are the matters which needs to be reconciled at a final hearing.

Writ petitioner already retired from service. The issue is about payment of pension. Some pension is being paid too.

Hence, there shall be an interim stay of order of the learned Single Judge passed in W.P.No.17982 of 2023 dated 07.08.2023.

Sd/- SK. MD. RAFI
ASSISTANT REGISTRAR

//TRUE COPY//

For A

SECTION OFFICER

To,

1. K Ramana, S/o. Subbanna, Aged about 63 years, Occ Public Health Worker, Retired while working at O/o. Commissioner of Madanapalli Municipality, R/o. 4-120-A, 2nd Floor, Siva Nagar, Madanpalle, Annamayya District, Formerly Chittoor District.
2. The Spl. Chief/ Principal Secretary to Government, State of Andhra Pradesh, MA AND D Department, Secretariat, Velagapudi, Amaravathi, Guntur District.
3. The Commissioner and Director of MA AND UD Department, AP, Vijayawada, Krishna District.
4. The District Audit Officer, State Audit, Chittoor District.)
5. The Commissioner of Madanapalle Municipality, , Madanapalle, Chittoor Dis(Addressess 1 to 5 By RPAD)
6. One CC to SRI. P C REDDY (SC SERVICE MUNICIPALITIES RR, NELLORE) Advocate [OPUC]
7. One CC to SRI. HARINATH REDDY SOMAGUTTA Advocate [OPUC]
8. Two CCs to GP FOR SERVICES-IV, High Court of A.P[OUT]
9. Two CCs to GP FOR SERVICES-I, High Court of A.P[OUT]
10. Two spare copies.

HIGH COURT

DVSSJ
DVRJ

DATED:22/09/2023

LIST ON 13.10.2023

ORDER

IA No. 2 OF 2023
IN
WA NO: 905 OF 2023

INTERIM STAY

