



**HIGH COURT OF ANDHRA PRADESH**  
TUESDAY ,THE SIXTH DAY OF APRIL  
TWO THOUSAND AND TWENTY ONE

**PRESENT**

**THE HONOURABLE SRI JUSTICE JOYMALYA BAGCHI**

**THE HONOURABLE SRI JUSTICE M.GANGA RAO**

**WRIT PETITION NO: 7487 OF 2021**

**Between:**

1. P. Mohan Rao, S/o Balagurubrahma Charyulu, aged about 68 years, Occ-Retired Head Master (Gazetted), S.V.V.G.Z.P.H.School, Pedapalem Village, Duggirala Mandal, Guntur District, Rio. LIG-61 A.P.H.B. Colony, Nallapadu, Guntur District -522005.

**...PETITIONER(S)**

**AND:**

1. The State of Andhra Pradesh, Represented by its Principal Secretary, School Education, Secretariat, Amaravathi at Vijayawada.
2. The Principal Account General (AandE), Andhra Pradesh, Saifabad, Hyderabad - 500004.
3. The District Treasury Officer, Guntur, Guntur District -522001
4. The Sub Treasury Officer, Duggirala, Guntur District.
5. The Deputy Educational Officer, Tenali, Guntur District.

**...RESPONDENTS**

**Counsel for the Petitioner(s): A V V S BHUJANGA RAO**

**Counsel for the Respondents:**

**The Court made the following: ORDER**



**THE HON'BLE SRI JUSTICE JOYMALYA BAGCHI  
AND  
THE HON'BLE SRI JUSTICE M.GANGA RAO**

**WRIT PETITION No.7487 of 2021**

(Taken up through video conferencing)

**ORDER:** (Per Hon'ble Sri Justice Joymalya Bagchi)

Heard Sri A.V.V.S.Bhujanga Rao, learned counsel for the petitioner and learned Government Pleader for Services-III appearing for the respondents.

Petitioner seeks implementation of the order of the Tribunal directing refund of the amount which had been withheld on the score that such sum was wrongfully paid to the petitioner on the scale of pay with Language Pandit Grade-I.

This issue is no longer *res integra* in view of the decision of the Full Bench of this Court in W.P.No.21457 of 2004 and batch, wherein after examining the provisions of Act 1 of 2005, the Bench had *inter alia* held as follows:

“(iii) The impugned Act is silent with regard to recovery of the amounts already paid to those Grade-II Pandits who availed the benefit under G.O.Ms.No.330, dated 10.08.1983 and hence the Government shall not recover any amount actually and already paid to any of the Language Pandits Grade-II who were given benefit of Scale of Pay of Grade-I.”

The aforesaid decision was followed by a coordinate Bench of this Court in W.P.No.33315 of 2013, dated 22.06.2020.

Petitioner is also a Language Pandit, who had been given the benefit of scale of pay of Grade-I. Hence, the amount already paid to him on such score could not have been recovered in the light of the ratio in the aforesaid decisions. Thus, the Tribunal passed



order, dated 23.11.2012 directing refund of the amount recovered/ withheld from the retiral benefits of the petitioner. Such order has not been implemented as yet.

Since the issue is no longer *res integra* in the light of the aforesaid decisions, the order ought to be forthwith implemented.

Accordingly, we dispose of the writ petition directing respondent Nos.1 and 2 to forthwith refund the amount of Rs.4,57,915/- wrongfully recovered/withheld from the pensionery benefits within eight (8) weeks from date, failing which the said amount shall carry interest at the rate of 12% per annum till such refund is made.

With the above direction, the Writ Petition is disposed of. No order as to costs.

As a sequel, Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

**JUSTICE JOYMALYA BAGCHI**

**JUSTICE M.GANGA RAO**

Date: 06.04.2021

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