

IN THE HIGH COURT FOR THE STATE OF TELANGANA
 AT HYDERABAD
 (Special Original Jurisdiction)

WEDNESDAY, THE SEVENTH DAY OF JANUARY
 TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE PULLA KARTHIK

WRIT PETITION NO: 448 OF 2026

Between:

B.Nagaraju, S/o Shankaraiah, Aged about 47 years, Occ. Government Service, Working as Junior Assistant, O/o Executive Engineer, Irrigation Division No.1 of Irrigation Circle.1 LMD Colony, Karimnagar Telangana State.

...PETITIONER
 AND

1. The State of Telangana, Rep. by its Principal Secretary, Irrigation and CAD Department, Dr.B.R.Ambedkar Telangana Secretariat, Hyderabad.
2. The State of Telangana, Rep. by its Principal Secretary, Finance Department, Dr.B.R.Ambedkar Telangana Secretariat, Hyderabad
3. The Engineer-in-Chief (Admn), Irrigation and CAD Department, State of Telangana, Erramanzil, Hyderabad.
4. The Engineer-in-Chief, Irrigation, LMD Colony, Karimnagar.
5. The Additional Secretary to Government of India, Ministry of Personnel, Public Grievances and Pensions, Department of pension and Pensioner's welfare, Lok Nayak Bhavan, Khan Market, New Delhi

...RESPONDENTS

• 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, declaring the inaction of the respondents 1 to 4 in implementing the guidelines of the official Memorandum No.57/04/2019-P and PW(B) dated 17.02.2020 and Memorandum No.57/05/2021-P and PW(B)dated 03.03.2023 of the 5th respondent, when adopted and implemented the Government of India's New Pension Scheme, as arbitrary, illegal and violative of Articles 14, 16, 19, 21 and 300-A of the Constitution of India and direct Respondents 1 to 4 to seek options as a onetime measure from the petitioner and consequently direct the respondents to take further steps accordingly and make applicability of the Old Pension Scheme to the petitioner, with all consequential benefits.

IA NO: 1 OF 2026

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 direct the respondents 1 to 4 to seek options as a one time measure from the petitioner and consequently direct the respondents to take further steps accordingly and make applicability of the Old Pension Scheme to the petitioner, with all consequential benefits.

Counsel for the Petitioner: SRI S.SRINATH RAO

Counsel for the Respondent Nos.1,3 & 4: GP FOR SERVICES-I

Counsel for the Respondent Nos.2 & 5: GP FOR SERVICES -III

The Court made the following: ORDER

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HON'BLE SRI JUSTICE PULLA KARTHIK

WRIT PETITION No.448 OF 2026

Dated 7th January, 2026

Between:

B.Nagaraju ... Petitioner

AND

The State of Telangana, Rep. by its
Principal Secretary, Irrigation & CAD Department,
Dr.B.R. Ambedkar Telangana Secretariat,
Hyderabad & (4) others ... Respondents

ORDER:

With the consent of the parties, the Writ Petition is disposed of at the stage of admission itself.

2) Questioning the inaction of the respondents in implementing the guidelines in the Official Memorandum No.57/04/2019-P & PW (B) dated 17.02.2020 and Memorandum No.57/05/2021-P & PW(B) dated 03.03.2023 issued by respondent No.5 and consequently to direct the respondents to take further steps and make applicability of the Old Pension

Scheme to the petitioner with all consequential benefits, the present Writ Petition is filed.

- 3) Heard Sri S.Srinath Rao, learned counsel for the petitioner, learned Government Pleader for Services-I appearing for respondent Nos.1, 3 and 4, and learned Government Pleader for Services-III appearing for respondent Nos.2 and 5.
- 4) Learned counsel for the petitioner submits that in pursuance to the notification dated 19.01.1999, inviting applications from the eligible displaced persons, as per the Scheme contemplated in G.O.Ms.No.98, Irrigation (P.W) Dept., dated 15.04.1986, for filling 27 posts in various categories, the petitioner had appeared for the examination conducted on 31.07.2000 by the Administrator-cum-Chief Engineer, SRSP, Dharoor Camp, Jagtial, Karimnagar District, and got selected as Office Subordinate vide proceedings dated 04.04.2007. Learned counsel contends though the examination was held in the year 2000, the respondents took their own time and issued the appointment order in April, 2007 i.e. after implementation of

New Pension Scheme by the Government of India and adopted by the State Government. Learned counsel further submits that as per the clarification issued by the Government of India vide Memorandum No.57/04/2019-P & PW (B) dated 17.02.2022, the old pension scheme has to be applied in case of candidates, who were selected prior to 01.01.2004 but their appointments were got delayed due to administrative reasons. Further, in similar circumstances the Division Bench of this Court in W.P.No.22599 of 2023 & batch has passed common order dated 19.03.2025 declaring that the employees, whose selection process was commenced prior to 01.09.2004 as against the vacancies arising prior to 31.12.2003, are entitled for old pension scheme. Therefore, the learned counsel contends that the petitioner is entitled for old pension scheme. Learned counsel further submits that petitioner is willing to make a suitable and detailed representation before the authorities and prays this Court to direct the respondents to consider the said representation and extend the benefit of old pension scheme to the petitioner, in the light of the common order dated

19.03.2025 passed by the Division Bench of this Court in W.P. No.22599 of 2023 & batch, within a stipulated time.

- 5) Learned Government Pleaders submit that if the petitioner submits any such representation, the same will be considered by the respondents and appropriate orders will be passed, strictly in accordance with law.
- 6) Having regard to the above made submissions, without going into the merits of the case, the Writ Petition is disposed of permitting the petitioner to make a suitable representation before the respondents narrating all the facts, within a period of ten days from the date of receipt of a copy of his order. On receipt of such representation, the respondents shall consider the same in the light of the common order dated 19.03.2025 passed by the Division Bench of this Court in W.P. No.22599 of 2023 & batch, and pass appropriate orders, as expeditiously as possible, preferably, within a period of six weeks thereof.

Miscellaneous petitions pending, if any, in this writ petition shall stand closed. No costs.

Sd/-S.MALLIKARJUNA RAO
ASSISTANT REGISTRAR

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//TRUE COPY//

SECTION OFFICER

To

1. The Principal Secretary, Irrigation and CAD Department, Dr.B.R.Ambedkar Telangana Secretariat, Hyderabad, State of Telangana.
2. The Principal Secretary, Finance Department, Dr.B.R.Ambedkar Telangana Secretariat, Hyderabad, State of Telangana.
3. The Engineer-in-Chief (Admn), Irrigation and CAD Department, State of Telangana, Erramanzil, Hyderabad.
4. The Engineer-in-Chief, Irrigation, LMD Colony, Karimnagar.
5. The Additional Secretary to Government of India, Ministry of Personnel, Public Grievances and Pensions, Department of pension and Pensioner's welfare, Lok Nayak Bhavan, Khan Market, New Delhi
6. One CC to SRI S.SRINATH RAO, Advocate [OPUC]
7. Two CCs to GP FOR SERVICES-I, High Court for the State of Telangana, at Hyderabad. [OUT]
8. Two CCs to GP FOR SERVICES-III, High Court for the State of Telangana, at Hyderabad. [OUT]
9. Two CD Copies

PSK/PMK

AS

CC TODAY

HIGH COURT

DATED:07/01/2026

ORDER

WP.No.448 of 2026



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

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21/1/26