APHC010459832025

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

Bench Sr.No:-7 [3584]

WRIT PETITION NO: 24124 of 2025

Dadala Seshayya and Others ...Petitioners

Vs.

The State of Andhra Pradesh and Others ...Respondents

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CORAM : THE CHIEF JUSTICE LISA GILL
SRI JUSTICE CHALLA GUNARANJAN

DATE : 12th October, 2026

Present :

Advocate for Petitioners : Mr P Roy Reddy

Advocate(s) for Respondent(s) : Mr Evana Sambasiva Pratap, Additional Advocate General for R.1 to R.3,
Ms B Vasantha Lakshmi for R.4 & R.5

LISA GILL, CJ:

Prayer in this writ petition reads as under:

"..to issue a writ, order, or direction, more particularly, one in the nature of Mandamus:

(a) declaring the inaction of the 1st and 2nd Respondents in considering and acting upon the communications bearing D.O.Lr.No.318/2023-B1, dated 21.07.2023, 11.01.2024 and 05.03.2025, addressed by the 4th Respondent, requesting extension of the benefits of Old Pension Scheme to the judicial officers, recruited pursuant to the notification dated 11.08.2003, including the Petitioners herein, as illegal, arbitrary, and violative of Articles 14,16, 21 and 300A of the Constitution of India;

(b) to direct the 1st and 2nd Respondents to grant such pensionary benefits to the judicial officers, recruited pursuant to the notification dated 11.08.2003, including the Petitioners herein, as had been contemplated in O.M.No.57/05/2021-P&PW(B) dated 03.03.2023, issued by the Government of India, whereby government employees appointed against a post or vacancy which was notified prior to the implementation of the National Pension Scheme had been granted a one-time option to opt for the Old Pension Scheme.."

2. It is brought to our notice that G.O.Ms.No.53, Finance (HR.III-Pension & GPF) Department, dated 13.07.2026, has since been issued. Relevant portion of said G.O reads as under:

"4. After careful examination of the matter, the Government hereby orders as below:

I. Adoption of the policy of Government of India published vide OMs i.e., (i) Office Memorandum No.57/04/2019-P&PW(B), Dt:17.02.2020 & (ii) Office Memorandum No.57/05/2021-P&PW(B), dated 03.03.2023, duly providing a onetime option to all such eligible employees currently covered under Contributory Pension Scheme (CPS), for conversion from Contributory Pension Scheme (CPS) to Old Pension Scheme (OPS), who joined service on or after 01.09.2004, but the related recruitment notification/advertisement was published before 01.09.2004.

II. Extension of this one-time option for all categories of employees who are covered under the provisions of G.O.Ms.No.653, dated:22.09.2004.

5. For the implementation of the orders in para 4 above, the conditions to be followed are as below:

i. The recruitment process by the respective recruiting authority for the vacancy/post, by issue of notification/advertisement inviting applications for the vacancy/post, should have been issued prior to 01.09.2004. The date of notification/advertisement issued should be submitted as criteria for meeting this condition.

ii. The appointment of the employee into such vacancy/post against the notification/advertisement, should have been on or after 1.9.2004. The employee as of date of issue of these orders should be under CPS. The appointment orders and proceedings related to joining of the employee should be submitted.

iii. The employee shall exercise the option in a prescribed form/mode within a period of three (03) months from the date of issue of these orders, or within such further period as may be notified by the Government;

iv. The option once exercised shall be final and irrevocable.

v. Employees who do not exercise the option as per these orders shall continue to be governed by the Contributory Pension Scheme.

6. The benefit sanctioned under this order is a one-time measure for employees meeting prescribed criteria and shall not be treated as a precedent for consideration of any future claims or categories of employees not specifically covered herein.

7. The detailed implementation and operational guidelines for exercising option and managing CPS corpus of such employees who opt for OPS will be issued separately by Finance department and Directorate of Treasuries and Accounts."

3. Learned Additional Advocate General submits that process of drafting operational guidelines and detailed implementation for exercising of option is in progress and is likely to be concluded expeditiously.

4. Learned counsel for petitioner does not deny that, with issuance of G.O.Ms.No.53 dated 13.07.2026, cause of action as such does not subsist to petitioners, however, a request is made for expeditious implementation of the said G.O.

5. Keeping in view the facts and circumstances, this Writ Petition is disposed of as infructuous, however, with a direction to competent authority to formulate operational guidelines for exercising options and managing CPS corpus of such employees who opt for OPS expeditiously and definitely within a period of eight weeks from date of receipt of certified copy of this order. No costs.

Pending application(s) if any stand(s) disposed of accordingly.

LISA GILL, CJ

CHALLA GUNARANJAN, J

Vjl

Whether the order is Speaking/Reasoned : Yes / No

Whether the order is Reportable : Yes / No