

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

WEDNESDAY, THE TENTH DAY OF APRIL  
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE  
AND  
THE HON'BLE SRI JUSTICE ANIL KUMAR JUKANTI

WRIT PETITION No.5986 OF 2011

**Between:**

Gade Shankaraiah, S/o. Veeraiah, aged 83 years, R/o. Rayaparthi Village, Parkal  
Mandal, Warangal District, Andhra Pradesh.

...PETITIONER

**AND**

1. Pitta Ravinder (Died)

...COMPLAINANT/RESPONDENT

2. The Lokayukta of Andhra Pradesh, Hyderabad., Rep. by its Registrar.
3. The Under Secretary to Government of India, Ministry of Home Affairs,  
Freedom Fighters Division [HC], Lok Nayak Bhavan, Khan Market, New Delhi.
4. The Government of Andhra Pradesh, Revenue Department, Secretariat,  
Hyderabad, Rep. by its Principal Secretary.
5. The District Collector, Warangal.
6. The Director General of Vigilance & Enforcement, Hyderabad.
7. The Addl. Director General of Police, CBCID, Hyderabad.

...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 a Writ of Certiorari, calling for the records relating to Complaint  
No.1176/2009/B1, on the file of Hon'ble Lokayukta, 2nd respondent herein, the  
2nd respondent might have directed the respondents 4 to 7 to conduct enquiry and

submit report about Petitioner age, basing on the report submitted by the 5th respondent, 4th respondent recommended for cancellation of Petitioner FF Pension, accordingly the 3rd respondent cancelled Petitioner pension vide Letter No.112/6299/97-FF[HC] dated.02.12.2010, without giving any notice or opportunity to Petitioner, without following due process of law as illegal, arbitrary, unjust, in gross violation of the principles of natural justice and also in violation of Article 14 and 16 of the constitution of India and after perusing the same quash the Complaint No.1176/2009/B1, dated 01-02-2011, on the file of Honble Lokayukta, 2nd respondent herein, and also cancellation Letter No.112/6299/97-FF[HC], dated.02-12-2010, issued by the 3rd respondent, and restore Petitioner pension granted under SSS pension Scheme, with all consequential benefits or otherwise Petitioner will suffer serious loss and great hardship.

**I.A. NO: 3 OF 2011(WPMP. NO: 7448 OF 2011)**

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 grant interim stay of all further proceedings in complaint No. 1176/2009/B1 dated 01.02.2011, passed by Hon'ble Lokayukta, the 2<sup>nd</sup> respondent, herein pending disposal of the Writ Petition.

**Counsel for the Petitioner: Ms. HEMA BINDHU KARUTURI REPRESENTING  
SRI. KOWTURU PAVAN KUMAR**

**Counsel for the Respondent No.1: SRI GADI PRAVEEN KUMAR,  
DEPUTY SOLICITOR GENERAL OF INDIA**

**Counsel for the Respondent Nos.4 & 5: GP FOR REVENUE**

**Counsel for the Respondent Nos.6 & 7: GP FOR HOME**

**The Court made the following: ORDER**

**THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE**  
**AND**  
**THE HON'BLE SHRI JUSTICE ANIL KUMAR JUKANTI**

**WRIT PETITION No. 5986 of 2011**

**ORDER:** *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Ms. Hema Bindhu Karuturi, learned counsel represents Mr. Kowturu Pavan Kumar, learned counsel for petitioner.

2. In this writ petition, the petitioner has assailed the validity of order dated 01.02.2011 passed by Lokayukta by which the Lokayukta has entertained the complaint filed by respondent No.1 and has directed that the freedom fighters' pension granted to respondent No.1 be cancelled.

3. Section 7 of the Telangana Lokayukta Act, 1983, which provides for the matters which may be investigated by Lokayukta or Upa-Lokayukta, reads as under:

"7. (1) Subject to the provisions of this Act, the Lokayukta may investigate any action which is taken by, or with the general or specific approval of, or at the behest of,-

(i) a Minister or a Secretary; or

(ii) a Member of either House of the State Legislature;

or

(iii) a Mayor of the Municipal Corporation constituted

by or under the relevant law for the time being in force; or

(ii-a) a Vice Chancellor or a Registrar of a University;

(iv) any other public servant, belonging to such class or section of public servants, as may be notified by the Government in this behalf after consultation with the Lokayukta, in any case where a complaint involving an allegation is made in respect of such action, or such action can be or could have been, in the opinion of the Lokayukta, the subject of an allegation.

(2) Subject to the provisions of this Act, the Upa-Lokayukta may investigate any action which is taken by, or with the general or specific approval of, any public servant, other than those referred to in sub-section (1), in any case where a complaint involving an allegation is made in respect of such action, or such action can be or could have been, in the opinion of the Upa-Lokayukta, the subject of an allegation.

(3) Notwithstanding anything in sub-section (2), the Lokayukta may, for reasons to be recorded in writing, investigate any allegation in respect of an action which may be investigated by the Upa-Lokayukta under that sub-section, whether or not complaint has been made to the Lokayukta in respect of such action.

(4) Where two or more Upa-Lokayuktas are appointed under this Act, the Lokayukta may by general or special order, assign to each of them matters which may be investigated by them under this Act:

Provided that no investigation made by the Upa-Lokayukta under this Act and no action taken or thing done by him in respect of such investigation shall be called in question on the ground only that such investigation relates to a matter which is not assigned to him by such order."

4. Thus, from a perusal of the aforesaid provision, it is evident that the Lokayukta has no power to deal with the grievance with regard to cancellation of freedom fighters' pension.

5. Therefore, the order dated 01.02.2011 passed by Lokayukta is *per se* without jurisdiction and the same is quashed.

6. In the result, the writ petition is allowed.

Miscellaneous petitions, pending if any, stand closed. No order as to costs.

That Rule Nisi has been absolute as above. Witness the HON'BLE THE CHIEF JUSTICE SRI ALOK ARADHE, on this Wednesday, the Tenth Day of April, Two Thousand and Twenty Four.

SD/ N. CHANDRA SEKHAR RAO  
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

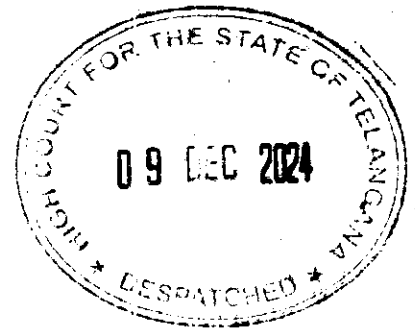
To,

1. The Registrar, Lokayukta of Andhra Pradesh, Hyderabad.
2. The Under Secretary to Government of India, Ministry of Home Affairs, Freedom Fighters Division [HC], Lok Nayak Bhavan, Khan Market, New Delhi.
3. The Principal Secretary, Government of Andhra Pradesh, Revenue Department, Secretariat, Hyderabad.
4. The District Collector, Warangal.
5. The Director General of Vigilance & Enforcement, Hyderabad.
6. The Addl. Director General of Police, CBCID, Hyderabad.
7. One CC to SRI KOWTURU PAVAN KUMAR, Advocate [OPUC]
8. One CC to SRI GADI PRAVEEN KUMAR, Deputy Solicitor General of India [OPUC]
9. Two CCs to GP for Revenue, High Court for the State of Telangana at Hyderabad [OUT]
10. Two CCs to GP for Home, High Court for the State of Telangana at Hyderabad [OUT]
11. Two CD Copies

MP  
GJP

**HIGH COURT**

**DATED:10/04/2024**



**ORDER**

**WP.No.5986 of 2011**

**ALLOWING THE WRIT PETITION  
WITHOUT COSTS**