

THE HON'BLE SRI JUSTICE K.C.BHANU

AND

THE HON'BLE MRS. JUSTICE ANIS

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WRIT PETITION No.16089 OF 2015

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ORDER: (per Hon'ble Sri Justice K.C.Bhanu)

This Writ Petition is filed challenging the order dated 02.06.2015 in O.A.No.2481 of 2015 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad (for short, "the Tribunal").

2. The petitioner/applicant filed the aforementioned Original Application before the Tribunal to declare the action of respondent Nos.1 and 2 herein in not accepting his resignation, even though he is suffering from ill health and family problems and further not even considering his case for voluntary retirement as illegal and arbitrary, and consequently to direct respondent Nos.1 and 2 herein to permit him to go on voluntary retirement, in relaxation of Rule 43 of A.P.Revised Pension Rules, 1980 in respect of similarly placed persons vide G.O.Ms.No.51, dated 24.08.2013, G.O.Ms.No.45, dated 02.08.2010 and G.O.Rt.No.637, dated 21.03.2009.

3. Heard.

4. It is not in dispute before this Court that the petitioner was kept under suspension from 04.07.2001 to 24.11.2004 while working as Assistant Director (Administration), Gandhi Hospital, Secunderabad. The said period was not regularized. While working as Deputy Director (Administration) in the office of Regional Director, Medical and Health Services, Hyderabad, he was trapped by Anti Corruption Bureau (for short, 'A.C.B.') on 05.02.2011. He was also placed under suspension from that date. Admittedly, charges have been framed against the petitioner/applicant vide G.O.Rt.No.625, Health, Medical and Family Welfare (VC-I) Department, dated 24.05.2014. Simultaneously, A.C.B. also registered a case and the same is pending. When a case is pending, the question of accepting resignation may not arise. Therefore, considering the

representation of the petitioner/applicant pending departmental enquiry in the criminal case may not arise in view of the fact that he was trapped by A.C.B. Therefore, the Tribunal, after considering the same, rightly dismissed the above mentioned Original Application and that order needs no interference by this Court.

5. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs. As a sequel thereto, Miscellaneous Petitions, if any, pending in this Writ Petition shall stand dismissed.

K.C.BHANU, J

ANIS, J

Date: 10.06.2015

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