

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.40117 of 2015

Dated : 14.12.2015

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Between:

A. Narasimha S/o.Late Guravaiah,
Aged about 60 yrs, Occu : Retd. Govt. Servant,
R/o.Plot No.16-278, Sri Sri Homes,
Almasguda, Saroornagar, R.R.District.

.. Petitioner

And

Telangana State Southern Power Distribution
Company Ltd.,
Rep., by its Chairman and Managing Director,
Mint Compound, Hyderabad.

.. Respondents

This Court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER :

The petitioner retired from service in the cadre of Superintendent Engineer (Electrical) with effect from 31.07.2013. This writ petition is instituted aggrieved by non- payment of full retirement benefits and granting him only provisional pension.

2. Heard learned counsel for the petitioner and learned Standing counsel for the respondent.

3. Learned counsel for the petitioner contends that it is illegal to deny the pensionary benefits only on the ground that criminal case is pending against the petitioner. He further submits that on the same set of allegations departmental

proceedings were initiated and ultimately he was **vested** with punishment of withholding of one increment without cumulative effect. However, on account of pending disciplinary proceedings, which resulted in imposing the punishment as referred to above, he was denied promotion. Learned counsel therefore submits that already grave injustice is caused to the petitioner on account of pending disciplinary proceedings and imposing of punishment. He therefore, submits that there is no justification to deny full pensionary benefits merely on the ground that criminal case is pending against the petitioner.

4. Learned Standing counsel states that the Andhra Pradesh Revised Pension Rules, 1980 (for short 'the Rules') are adopted by the respondent-Company and according to Rule 52 (1) (b) of the Rules, an employee against whom judicial proceedings are pending is entitled to draw only provisional pension till final orders are passed and therefore, in terms of the said provision only provisional pension is paid, since criminal case is pending against the petitioner.

5. It is not in dispute that C.C.No.78 of 2005 is pending on the file of Judicial Magistrate of First Class, Andole at Jogipet. Rule 52 (1) (b) of the Rules mandate that only provisional pension should be paid to an employee who is facing criminal proceedings. In view of the statutory mandate it cannot be said that the respondent-Company erred in not releasing full retirement benefits to the petitioner and confined to payment of provisional pension. In view of mandate of Rule 52 (1) (b) of the Rules, there are no mitigating circumstances warranting interference by this Court, directing payment of full retirement benefits to the petitioner. Hence, there is no merit in the writ petition and it is liable to be dismissed.

6. Accordingly, the Writ Petition is dismissed. It is needless to observe that if the criminal proceedings end in acquittal of the petitioner, immediate steps shall be taken for release of retirement benefits to which he is entitled to. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand dismissed.

P.NAVEEN RAO,J

14th December, 2015

Rds

