

**THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO**

**WRIT PETITION No. 7737 OF 2015**

**ORDER:**

The petitioner herein sought for a writ of mandamus for declaring the action of the respondent Tirumala Tirupati Devasthanams (TTD) in initiating disciplinary proceedings against him on 08.11.2014, as illegal.

It is the case of the petitioner that he retired from the service of TTD on attaining the age of superannuation on 31.01.2014 as a Catering Supervisor. He was also drawing the monthly pension. Tirupati Urban police have registered FIR No. 170 of 2014 on 27.06.2014, based upon a complaint lodged by one Sri K. Srinivasachary complaining that some individuals are selling the prasadam for extra rates and the petitioner herein was arrayed as Accused No.1 in that case. Accordingly, the petitioner has now been proceeded against as the conduct exhibited by him is not befitting the status of a pensioner. The claim of the petitioner is that since he has already retired from service, he cannot be subjected to any disciplinary control by the TTD and he cannot be penalized.

It is relevant to notice the first principle that pension is not paid as a matter of gratis and it is recognized as a right earned by an employee for having contributed to the organization during his best-working days and therefore, pension has now come to be recognized as an event of deferred payment for the quality of services rendered earlier, but nonetheless, pension is granted subject to bearing the good conduct through out. The conduct of a pensioner should in all respects conform to the standard required to be exhibited by a serving employee. A pensioner cannot bear an unbecoming conduct and still expect that the social welfare and social security measures put in place should be continued uninterruptedly. Therefore, an appropriate cut in the pension commensurate to the misdemeanor can be imposed. For the purpose of establishing the guilt of the individual, an inquiry has got to be conducted. Therefore, the procedure that is followed for imposing a major punishment should be followed even for determining the cut in the pension. The reason being, the procedure prescribed is not only excessive, but bristles with providing a fair and reasonable opportunity to the person facing the charge. At every stage of the proceedings, a strict compliance with the principles of natural justice is

adhered to. Therefore, the same procedure is adopted even while dealing with the cases of likely cut in pension. In that respect, the proceedings initiated against the petitioner cannot be faulted. Therefore, I do not see any justification or merit in this case for me to entertain the Writ Petition and accordingly, it is dismissed at the admission stage after hearing Sri A.K. Jayaprakash Rao, learned Standing Counsel for the respondents. No costs.

Consequently, the miscellaneous applications, if any shall also stand disposed of.

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**NOOTY RAMAMOHANA RAO, J**

07<sup>th</sup> April 2015

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