

**THE HON'BLE SRI JUSTICE RAMESH
RANGANATHAN**

And

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTI

-

Writ Petition No.33212 of 2014

ORDER: (per Hon'ble Sri Justice Ramesh Ranganathan)

This writ petition is preferred against the order passed by the A.P. Administrative Tribunal in O.A.No.9250 of 2011 dated 08.11.2013.

The 1st respondent herein was working as a District Registrar. He retired from service on 30.06.2007. Alleging that the 1st respondent had caused significant loss to the Government in 23 cases, a charge memo dated 22.09.2009 was issued. Consequent on disciplinary proceedings being initiated against him, the pensionary benefits of the 1st respondent were withheld and he was paid provisional pension (75% of the pension). Subsequently, the Government dropped the disciplinary action by its proceedings dated 02.05.2013. In spite of the disciplinary proceedings being dropped, the pensionary benefits of the 1st respondent were not released. The 1st respondent invoked the jurisdiction of the Tribunal.

In the order under challenge in this writ petition, the Tribunal held that, since disciplinary action was dropped, the respondents were bound to release the pension and pensionary benefits in favour of the 1st respondent herein; and it was not known whether any steps were taken to process the pension papers, and to sanction pension and other benefits in favour of the 1st respondent. The O.A. was disposed of directing the petitioners herein to sanction and release the pension and other terminal benefits in favour of the 1st respondent, by virtue of dropping of disciplinary action against him vide proceedings dated 02.05.2013, within eight weeks from the date of receipt of a copy of the order. The petitioners herein were also directed to pay interest on pension at the rate of 10% per annum as per Rules.

Learned Government Pleader for Services would contend that there is no provision in the Rules for payment of interest on belated payment of pension; the Rules only provide for payment of interest on belated payment of gratuity; and in the absence of any provision in the Rules for payment of interest, on belated payment of pension, the Tribunal had erred in directing the petitioners herein to pay the pensionary benefits to the 1st respondent along with interest at the rate of 10% per annum as per the Rules. While the petitioners herein were justified in withholding pension during the pendency of disciplinary proceedings, the fact remains that disciplinary proceedings were dropped on 02.05.2013. As disciplinary proceedings were dropped, the 1st respondent has, evidently, been illegally denied the pensionary benefits which he was entitled to receive on his retirement from service on 30.06.2007. As the 1st respondent was denied the pensionary benefits for no fault of his, and as disciplinary proceedings initiated against him were dropped, he is entitled to be compensated for the belated payment of his pension.

The Jurisdiction which this Court exercises under Article 226 of the Constitution of India is supervisory and is not appellate. Save patent illegality, this Court would not exercise discretion to interfere with the order of the Tribunal. The order of the Tribunal does not suffer from any patent illegality necessitating interference. Mere absence of a specific provision in the rules would not disentitle the 1st respondent from being paid interest, as the delay in payment of pensionary benefits was for no fault of his, and is on account of his pensionary benefits being withheld during the pendency of disciplinary proceedings. We see no error in the order of the Tribunal directing the petitioners herein to pay the pension of the 1st respondent with 10% interest per annum.

The writ petition fails and is, accordingly, dismissed. Miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

RAMESH RANGANATHAN, J

M.SATYANARAYANA MURTHY, J

11th February 2015.
JSU

THE HON’BLE SRI JUSTICE RAMESH RANGANATHAN
And
THE HON’BLE SRI JUSTICE M.SATYANARAYANA MURTHY

Writ Petition No.33212 of 2014

Date: 11.02.2015

JSU