

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.4422 OF 2016

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India for the following relief:

“to issue a writ of mandamus or any other appropriate writ or direction declaring the action of the respondents in not releasing retirement/ pensionary benefits of the petitioner even though the petitioner was acquitted from the criminal case in CC.No.8/ 2006, dt.30.9.2014 on the file of Principal Special Judge for SPE & ACB Cases-Cum-IV Addl. Chief Judge, City Civil Courts, Hyderabad as illegal, arbitrary and consequently direct the respondents to send the pension proposals to the 4th respondent and release the entire retirement benefits to the petitioner forthwith and pass such other or further orders as the Hon'ble Court feels deem fit and proper in the facts and circumstances of the case.”

2. Heard Sri K.Bheema Rao, learned counsel, appearing for the petitioner and learned Government Pleader for Higher Education, appearing for the respondents 1 to 4.

3. According to the petitioner, he was initially appointed as Record Assistant on 01.12.1976 and subsequently, on attaining the age of superannuation, he retired from service on 29.02.2012 in the category of Senior Assistant. It is the further case of the petitioner herein that pursuant to the check conducted by the Anti Corruption Bureau on 07.07.1979, Criminal Prosecution was launched against him vide C.C.No.08 of 2006 on the file of the Principal Special Judge for SPE & ACB Cases-Cum-IV Additional Chief Judge, City Civil Courts, Hyderabad. It is the further case of the petitioner herein that the said Court, by way of judgment dated 30.09.2014, acquitted him of all the charges. Grievance of the petitioner in the present writ petition is that

despite the said acquittal order passed by the learned judge, respondent authorities are not settling the pensionary benefits of the petitioner herein.

4. According to the learned counsel for the petitioner, the said action on the part of the respondent authorities is highly illegal, arbitrary, unreasonable and is in clear violation of Articles 14 and 21 of the Constitution of India.

5. On the contrary, it is submitted by the learned Government Pleader that it is always open for the petitioner herein to make necessary application before the respondents herein by enclosing a copy of the acquittal order passed by the Principal Special Judge for SPE & ACB Cases-Cum-IV Additional Chief Judge, City Civil Courts, Hyderabad and the same would be considered, in accordance with law.

6. For the aforesaid reasons and having regard to the nature of controversy, Writ Petition is disposed of, keeping it open for the petitioner herein make representation before the respondent authorities, for redressal of his grievance, within a period of one month from the date of receipt of a copy of this order and if any such representation is filed within the time stipulated, the same be considered and pass appropriate orders, in accordance with law, within a period of three months thereafter.

7. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

18.04.2016
SS