

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WP.No.37234 of 2016

ORDER :

Heard the counsel for petitioner, and the learned Standing Counsel for Housing (Telangana) for 1st respondent.

2. The petitioner was an employee of the 2nd respondent-Board. Disciplinary proceedings were initiated against petitioner by issuing a Memo to him on 26.02.2016.

3. The petitioner has filed explanation thereto on 04.03.2016. The petitioner retired from service of the 2nd respondent on 30.09.2016.

4. The petitioner has filed this Writ Petition challenging that the 2nd respondent had withheld pension and pensionary benefits payable to petitioner on the ground that the disciplinary proceedings are pending, and that this violates Article 14 of the Constitution of India.

5. The 2nd respondent has filed a counter-affidavit stating that the petitioner has been paid a sum of Rs.5,96,537/- towards G.P.F., Rs.4,883/- towards F.B.F. and Rs.10,00,000/- towards Leave Encashment. He however contends that since disciplinary proceedings are pending, petitioner would be entitled to only provisional pension though the petitioner had applied also for regular pension on 04.10.2016. He has also submitted that an enquiry officer had been appointed on 04.11.2016 to inquire into the charges framed

against the petitioner, and seeks six months' time to complete the enquiry proceedings.

6. Having regard to the said submission, the Writ Petition is disposed of directing petitioner to make an application seeking provisional pension and within four (04) weeks of submission of the said application, the 2nd respondent shall process the same and release provisional pension to petitioner. The 2nd respondent shall also ensure that disciplinary proceedings against petitioner are concluded within six (06) months from the date of receipt of a copy of this order.

7. Accordingly, the Writ Petition is disposed of with the above directions. No order as to costs.

8. The petitioner shall also co-operate with the early conclusion of the disciplinary proceedings.

9. As a sequel, miscellaneous petitions pending if any in this Writ Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 21-12-2016

Ndr/*