

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.30509 of 2013

Date: 25.01.2016

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Between:

Kodukula Bangarayya s/o late Visveswarudu,
Aged about 59 years, Junior Accounts Officer (Retd.)
O/o Superintending Engineer, Operation Circle Office,
Visakhapatnam, R/o HNR Arcade, 307, Seetharamaraju
Nagar, Butchirajupalem, Visakhapatnam.

.....Petitioner

And

The A.P.Eastern Power Distribution Company Limited,
rep.by its Chairman & Managing Director, Seethammadhara,
P&T Colony, Visakhapatnam and another.

.....Respondents

The Court made the following:

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ORDER:

Petitioner was working as Upper Division Clerk in the respondent company. On the allegation that petitioner was involved in illegal gratification, Crime was registered against him. He was accused in C.C.No.11 of 2003 on the file of III Additional District and Sessions Judge-cum-Special Judge for ACB Cases Visakhapatnam. On the allegation of involvement in criminal case, petitioner was placed under suspension by proceedings dated 24.04.2002. Pending criminal case, his suspension was revoked by proceedings dated 31.12.2004. The criminal case ended in acquittal by judgment dated 10.06.2008. Petitioner continued in service until he attained the age of superannuation and retired from service w.e.f. 30.06.2013. Aggrieved by the judgment in C.C.No.11 of 2003, State preferred Criminal Appeal No.1268 of 2009 and the same is pending consideration of this Court.

3. Though petitioner was allowed to retire from service, his retirement benefits are withheld on the ground that Criminal Appeal is pending. Challenging the same, this writ petition is filed. Petitioner sought for direction to release the entire pensionary benefits to the petitioner including gratuity and grant commutation and other benefits duly granting the annual increments for the years 2003, 2004 and 2005 and revising the pay fixation.

4. As a consequence to the acquittal in criminal case, employee is entitled to all the benefits as if no such proceedings were initiated. Merely because appeal is filed against acquittal is not a ground to deny the service benefits. Learned counsel for respondents do not

dispute the settled principle of law on the subject. It is also appropriate to notice that the judgment was rendered by the criminal Court on 10.06.2008 and petitioner continued in service for more than five years after the said judgment.

5. Having regard to the same, the writ petition is allowed. Respondents are directed to release the annual increments due and payable to the petitioner till he retired, fix the pay and allowances accordingly, determine the pension and service benefits payable to him and release all the retirement benefits as expeditiously as possible, preferably within a period of eight weeks and continue to pay the monthly pension to which he is entitled to. Petitioner is also entitled to commutation. Since the retirement benefits are illegally denied, more particularly when the petitioner was allowed to work after the judgment was rendered till he attained the age of superannuation, petitioner shall also be paid 8% interest on the amounts due and payable from the date they are due till the date of payments.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JUSTICE P.NAVEEN RAO

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