

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.31252 OF 2017

ORDER :

This petition is filed for a writ of *Mandamus* declaring the action of the respondent No.3 in issuing file No.A5/1822/2017, dated 20.07.2017, whereby the District Treasury Officer, Karimnagar was directed to stop payment of pension and other benefits to the petitioner and to furnish compliance report, as arbitrary and illegal and to set aside the same and for a consequential direction to the respondents to pay the Provisional Pension to the petitioner.

Heard learned counsel for the petitioner.

Learned Government Pleader for Services brought to my notice Rule 52(1)(b) of the **Telangana** Revised Pension Rules, 1980, which reads as follows;

“52.Provisional pension where departmental or judicial proceeding may be pending:

(1)(b) The provisional pension shall be paid by the Audit Officer/Head of Office during the period commencing from the date of retirement to the date on which, upon the conclusion of departmental or judicial proceedings, final orders are passed by the competent authority.

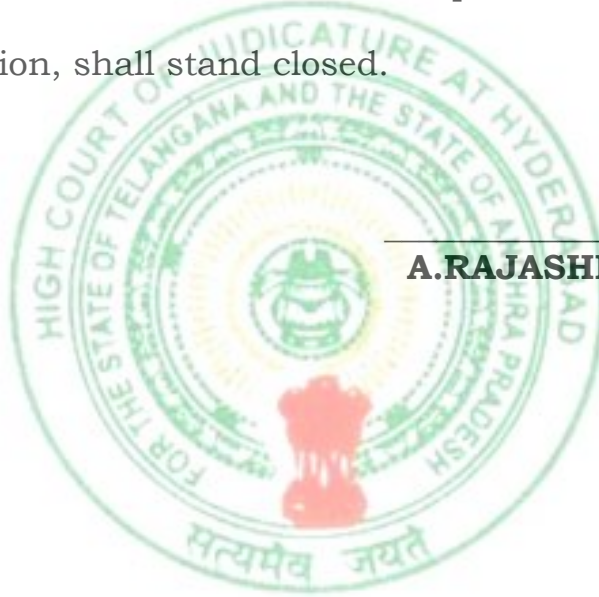
(Provided that Provisional pension shall not be paid to the Government servant who is convicted by a criminal court on the charges of indulging in corruption and criminal misconduct with effect from the date of such conviction though appeal is pending before the higher court against such conviction)”

It is clear from the aforesaid provision that there cannot be payment of provisional pension, pending appeal against conviction of the employee. In view of the same, though petitioner preferred appeal in Crl.A.No.1287 of 2016 against his sentence and conviction imposed in CC.No.48/2015, no relief can be granted.

Accordingly, the writ petition is dismissed. However, if the petitioner is aggrieved by the aforesaid Rule, it is open for the petitioner to challenge the same. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

23.10.2017
t k.



A.RAJASHEKER REDDY, J