

*THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE N.BALAYOGI*

WRIT PETITION No.4443 of 2017

ORDER: (per SK,J)

The petitioner is the applicant in O.A.No.5146 of 2015 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad, which was disposed of vide order dated 07.09.2015. By the said order, the Tribunal directed the State of Telangana to conclude the disciplinary proceedings initiated against the petitioner vide G.O.Rt.No.1801 dated 19.11.2013 within six months from the date of receipt of a copy of the order. The Tribunal further directed that in the event the State failed to do so, the authorities shall release the retiral benefits notwithstanding the disciplinary proceedings.

Learned Government Pleader for Services (Telangana) would state that an enquiry report has now been submitted. He would however concede that no writ petition was filed assailing the aforestated order passed by the Tribunal.

That being so, when the Tribunal fixed a time frame of six months to conclude the disciplinary proceedings and the said order was passed as long back as on 07.09.2015, we see no reason as to why the authorities should ignore the rider attached by the Tribunal to the aforestated order. Having failed to complete the disciplinary proceedings within the time stipulated, the authorities are bound to release the retiral benefits of the petitioner notwithstanding the disciplinary proceedings. This would be in keeping with the undertaking given by the learned Advocate General for the State of Telangana to a Division Bench of this Court, comprising the Hon'ble The Acting Chief Justice and Hon'ble Sri Justice U.Durga Prasad

Rao, which was duly recorded vide order dated 30.09.2016 passed in W.P.No.31905 of 2016, that orders passed by the Tribunal, unless varied or set aside, would be implemented.

The writ petition is accordingly allowed. The respondents shall forthwith release the retiral benefits of the petitioner notwithstanding the pendency of the disciplinary proceedings.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

JUSTICE N.BALAYOGI

Date:16.03.2017

GJ

