

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No.25726 of 2017

ORDER :

The case of the petitioner is that he was appointed as Village Revenue Officer in the year 1992 and later he was deputed to work as Panchayat Secretary-IV in the year 2002. Since the date of his appointment, the petitioner discharged his duties to the utmost satisfaction of his higher authorities and after rendering 25 years of unblemished service in the Department, he was retired from service on attaining the age of superannuation on 31.08.2012.

2. While the petitioner was working as Panchayat Secretary of Peddapur Mandal Gram Panchayat, Julapalli Mandal of Karimnagar District, he was trapped by the ACB authorities on the allegation of accepting bribe and was placed under suspension vide proceedings No.A3/179/06-Pts, dated 21.01.2006. Later he was reinstated into service vide orders dated 18.07.2008, pending disciplinary proceedings initiated against him. Subsequently, the petitioner was served with a Charge Memo vide proceedings No.A3/179/2006-Pts, dated 24.07.2007, to which the petitioner has submitted a detailed explanation on 21.08.2007 denying the charges levelled against him. Once

again, the petitioner was served with Charge Memo dated 16.01.2010, to which also the petitioner has submitted his detailed explanation on 09.02.2010 denying the charges. Thereafter, there was no progress in the enquiry and no Enquiry Officer was appointed. Therefore, the petitioner has submitted a representation dated 21.04.2012 to the 1st respondent - Government requesting to conclude the disciplinary proceedings initiated against him in view of his retirement. However, even after a lapse of 10 years, there is no progress in the disciplinary proceedings initiated against him. Subsequently, the petitioner has submitted number of representations dated 29.08.2012, 23.05.2013 and 04.11.2013 to respondent Nos.1 and 3 requesting to conclude the disciplinary proceedings and pay the pension and other benefits and considering the said representations, the 1st respondent - Government had issued a Memo No.2126/Vig.III-A/2006-19, dated 11.11.2013, granting provisional pension to the petitioner. The Government also issued another Memo No.2126/Vig.II/A1/2006-21, dated 18.08.2015, directing the 3rd respondent - District Collector (PW), Karimnagar District, to furnish the enquiry report within two weeks and initiate action against the person concerned for not concluding the disciplinary proceedings. In spite of issuing a reminder Memo dated 17.06.2016, there

is no response from the authorities concerned. Aggrieved by the said action of the respondent authorities in not concluding the disciplinary proceedings initiated against him vide Charge Memos dated 24.07.2007 and 16.01.2010, the petitioner has filed the present writ petition for release of the pension and other retirement benefits.

3. Heard learned counsel for the petitioner and the learned Assistant Government Pleader for Services appearing for the respondents and perused the material on record.

4. The petitioner was issued with Charge Memos dated 24.07.2007 and 16.01.2010 and the Government also vide Memos dated 11.11.2013, 18.08.2015 and 17.06.2016 directed the authorities concerned for conclusion of the disciplinary proceedings. In spite of the same, the respondents have not concluded the enquiry and in the meantime, the petitioner retired from service. It is for the competent authorities to take further action to conclude the enquiry and the petitioner cannot be denied the pensionary and other retirement benefits on account of inaction of the respondent authorities in concluding the enquiry.

5. In view of the same, the competent authority is directed to conclude the disciplinary proceedings initiated against the petitioner within a period of twelve (12) weeks from the date of

receipt of a copy of this order and thereafter take appropriate action in accordance with law for release of the pension and other retirement benefits of the petitioner depending upon the result of the said disciplinary proceedings.

6. With the above direction, the writ petition is disposed of.
No order as to costs.

7. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

02.08.2017.
Msr

A. RAJASHEKER REDDY, J



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02.08.2017

Msr