

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.29290 of 2017

ORDER:

The case of the petitioner is that initially he was appointed as Typist through District Selection Committee in the year 1976 and posted to Educational Department. By way of recruitment by transfer, the petitioner was transferred to Forest Department in the year 1979 and further promoted as Senior Assistant on 23-03-2000. The petitioner was retired from service on attaining the age of superannuation on 30-06-2009. While the petitioner was working as Senior Assistant, a criminal case was registered against him in C.C.No.496 of 2006 alleging that he misused Form-II which was meant for transportation of forests products of "O" teak timber and he was acquitted in the said criminal case by the Court of Special Judicial First Class Magistrate (Excise), Karimnagar by its judgment dated 29-11-2011. Without waiting for outcome of criminal case, the respondent-authorities issued a charge memo, dated 14-07-2005 framing similar charges in the criminal case and enquiry was conducted and on the report of enquiry Officer, the 3rd respondent imposed punishment of 'Reduction to minimum pay of the scale of Senior Assistant category till the retirement of petitioner and it would have bearing on his pension vide Rc.No.255/05/M3, dated 01-06-2009. On that the petitioner filed appeal to the 2nd respondent and the 2nd respondent set aside the punishment vide orders dated 29-09-2009 by

directing the disciplinary authority to conduct a fresh enquiry. In the meantime, the petitioner retired from service on 30-06-2009. After retirement of two years, the petitioner was served with fresh charge memo dated 16-05-2011. In view of his acquittal in the above said criminal case, the petitioner made a representation dated 10-08-2012 to the 2nd respondent that the charges leveled against him in criminal case and in the departmental proceedings are one and the same and requested to drop the charges. As no action taken, the petitioner filed O.A.No.579 of 2013 before the Tribunal aggrieved by the charge memo in Rc.No.3059/2009/M3, dated 16-05-2011 with consequential relief to release the retirement benefits with all consequential benefits. The Tribunal by judgment dated 27-08-2015 set aside the charge memo dated 16-05-2011. On that the petitioner submitted representations dated 29-10-2015, 11-02-2016 and 11-08-2016 to the respondent authorities by enclosing copy of said judgment to consider his claim for releasing of pension and other retirement benefits. On that after lapse of nearly one year the 1st respondent issued memo dated 18-04-2016 directing the 2nd respondent to take necessary action. As there is no response from the authorities, the petitioner filed O.A.No.3420 of 2016 before the Tribunal and the Tribunal granted interim direction on 08-09-2016 directing the respondent-authorities to dispose of his representation dated 29-10-2015 within a period of six weeks from the date of receipt of the copy of order and accordingly the petitioner

submitted representation dated 18-10-2016 to the respondents by enclosing the copy of the order of Tribunal. The 1st respondent issued memo No.4898/For.III/A2/2015, dated 06-12-2006 withdrawing the charge memo dated 16-05-2011 with a direction to the 2nd respondent to take necessary action. Even though, the Government issued orders on 06-12-2016 directing the 2nd respondent to take necessary further action for release of pension and other retirement benefits, till date, the petitioner has not been paid pension and other benefits. The Government also issued Memo No.624/For.III/A1/2017, dated 01-08-2017 regularizing the suspension period from 03-02-2005 to 03-08-2016 on duty since the charge memo issued dated 16-05-2011 is withdrawn by the Government vide memo dated 06-12-2016. In spite of lapse of eight years, the pension of the petitioner is not released. The petitioner filed representation on 24-08-2017 before the 1st respondent. As no action has been taken, the present writ petition is filed.

Heard learned counsel for the petitioner and the learned Assistant Government Pleader for Forests.

The above narrated facts go to show that as on today, no disciplinary proceedings are pending against the petitioner and the suspension period is also regularized vide memo 01-08-2017 and the 1st respondent directed the 2nd respondent to take further action in the matter. It is not known why the 2nd respondent is not taking action in respect of directions of the 1st respondent.

In view of above facts and circumstances, the respondents 1 and 2 shall consider the case of petitioner for release of pension in accordance with rules. The said exercise shall be done within a period of eight weeks from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

01-09-2017

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