

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.1541 of 2017

ORDER:

Disciplinary proceedings were initiated against the petitioner on 26.08.2013 alleging that he produced false caste certificate for securing promotion as Assistant Commercial Tax Officer under Scheduled Tribe quota, and exhibited lack of integrity. Charge memo was issued to the petitioner in the year 1999. However, the same was set aside by the Andhra Pradesh Administrative Tribunal. A revised charge memo was issued on 26.08.2013. It appears that enquiry was conducted and enquiry officer submitted his report on 02.12.2014 and thereafter, there is no further progress. The petitioner retired from service on 31.05.2015, after attaining the age of superannuation. On the ground that disciplinary proceedings are pending, he is now granted only the provisional pension. In this writ petition, the petitioner challenges the inordinate delay in completing the disciplinary proceedings.

Learned counsel for the petitioner submits that the very basis of the charge itself is not maintainable, the employer cannot go into the validity of the social status and therefore, on that ground the proceedings could not have been initiated, and at any rate, keeping the disciplinary proceedings pending for such a long time, is illegal. He further submits that though the enquiry report was submitted on 02.12.2014, there is no justification in not taking any further course of action for more than three years and for almost two years the petitioner is made to suffer by drawing only provisional pension.

Learned Government Pleader, on instructions, would not dispute that there is no further progress in the matter.

Since the petitioner retired from service, in accordance with the provisions of the A.P. Revised Pension Rules, 1980, the Government – 1st respondent is competent to take further course of action.

Hence, the Writ Petition is disposed of directing the Government - 1st respondent to take further course of action, based on the report of the enquiry officer, dated 02.12.2014, and pass appropriate reasoned order, after giving opportunity to the petitioner, if necessary, as expeditiously as possible, preferably within a period of two (2) months from the date of receipt of a copy of this order. If, for any reason, the 1st respondent intends to drop the disciplinary proceedings against the petitioner, he is directed to settle the benefits to the petitioner within a further period of two (2) months thereafter.

No order as to costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

February 13, 2017.
KTL

P. NAVEEN RAO, J

