

**THE HON'BLE SRI JUSTICE P.NAVEEN RAO**

**WRIT PETITION No.8233 OF 2017**

**DATED : 03.04.2017**

Between :

B.Venkateswarlu S/o.Ramaswamy,  
Aged about 58 yrs, Occu : Retd. Deputy Tahsildar,  
R/o.1-7-108, Laxmibaikunta,  
Janagoam, Janagoam District.

..  
Petitioner

And

The State of Telangana,  
Rep., by its Principal Secretary,  
Revenue Department, Secretariat Buildings,  
Hyderabad and others.

..  
Respondents



This court made the following :

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**ORDER :**

Heard.

2. Petitioner retired from service on attaining the age of superannuation on 31.12.2016. While he was in service, disciplinary proceedings were initiated against him, which resulted in imposing the punishment of withholding of one annual increment with cumulative effect, vide order dated 24.12.2010, confirmed by the appellate authority on 26.11.2011. This punishment was challenged before the Andhra Pradesh Administrative Tribunal, Hyderabad (for short 'the Tribunal') in O.A.No.1433 of 2012. The Tribunal by order dated 23.11.2012 allowed the said O.A., by setting aside the punishment and held that due procedure was not followed before imposing the punishment and directed to consider the case of the petitioner for promotion on par with his juniors as Deputy Tahsildars. However, the Tribunal granted liberty to proceed with the enquiry if the respondents intend to proceed with the same. It appears no further steps are taken on the said allegation.

3. The further disciplinary action was initiated against the petitioner by serving on him the charge memo dated 24.01.2015. The enquiry officer submitted his report dated 07.09.2015. Show cause notice was served on the petitioner calling his explanation on the report of the enquiry officer, vide memo dated 04.12.2015. Petitioner submitted his explanation in response to the said show cause notice on 16.12.2015. The grievance of the petitioner in the

present writ petition is that there is no further progress after the explanation submitted by the petitioner and petitioner is not paid even the provisional pension, on his retirement.

4. Earlier the matter was adjourned at the request of learned Government pleader to ascertain the instructions as to the stage of disciplinary action and the reason for not completing the disciplinary proceedings.

5. Learned Government Pleader, on instructions, submits that due to bifurcation of existing districts and formation of new districts, there was dislocation of administrative work. Petitioner earlier belonged to Warangal District. From the erstwhile Warangal District, separate district by name Jangaon is formed and petitioner now belong to Jangaon district. On account of these administrative difficulties faced, after the formation of new districts, there was some delay in concluding the disciplinary action.

6. A bare perusal of the record would show that show cause notice was issued on 04.12.2015 and explanation was filed on 16.12.2015. Earlier districts were bifurcated and new districts were formed only in October, 2016. There is no explanation as to why action was not taken till that date.

7. Since the issue is at the stage of passing final orders on consideration of the explanation, the Court is inclined to dispose of the writ petition without expressing any opinion on merits, directing the respondents to finalise the disciplinary action in due consideration of the explanation submitted by the petitioner on 16.12.2015, in pursuant to the show cause notice dated

04.12.2015 and pass appropriate orders as warranted by law, as expeditiously as possible, preferably within a period of six (6) weeks from the date of receipt of copy of this order.

8. Learned counsel for the petitioner asserts that so far petitioner is not paid provisional pension. Rule 52 of the Andhra Pradesh Revised Pension Rules, 1980 mandate payment of provisional pension in case disciplinary proceedings are initiated and pending on the date of retirement of government servant. Since apparently this mandate is not complied, respondents are directed to forthwith release the arrears of provisional pension payable to the petitioner, as expeditiously as possible, at any rate before passing of final orders on the issue, in pursuant to the show cause notice dated 04.12.2015. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

3<sup>rd</sup> April, 2017  
Rds

**P.NAVEEN RAO,J**

