

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.31064 of 2017

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking to declare the action of the respondents in not concluding disciplinary proceedings initiated against the petitioner *vide* Charge Memo Ref. No.3252/2014/Vig.3, dated 22.01.2015, and not settling the pension and service benefits, as illegal, arbitrary, unjust and violative of Articles 14, 16 and 21 of Constitution of India and consequently direct the respondents to pay the pension and all other service benefits forthwith to the petitioner by exonerating the petitioner from the charge.

2. Heard learned counsel for the petitioner and the learned Government Pleader for Forest for respondents 1 & 2. Perused the material available on record.

3. The case of the petitioner is that while working as Forest Range Officer, Amrabad Range, Mahaboobnagar District, the 2nd respondent placed him under suspension *vide* proceedings Ref. No.3252/2014/Vig.3, dated 06.08.2014, and that subsequently, a charge memo was issued by the 2nd respondent, dated 22.01.2015. Against the said charge memo, the petitioner submitted a detailed explanation *vide* representation, dated 18.02.2015. The 2nd respondent, not satisfied with the said explanation, appointed an Enquiry Officer *vide* proceedings, dated 18.03.2015. It is further submitted that the 2nd respondent, passed orders, dated 14.05.2015, revoking the suspension and reinstating the petitioner into service and consequently, *vide* proceedings, dated 28.05.2015, the petitioner was posted as Forest Range Officer, Social Forestry Range,

Kamareddy, Nizamabad, and that considering the request of the petitioner on health grounds, the 2nd respondent altered the place of posting *vide* proceedings, dated 09.09.2015, by posting him as Research Range Officer, Mulugu, in the existing vacancy and that the petitioner reported to duty on 16.09.2015 and that while working so, the petitioner was retired from service on 31.08.2016 on attaining the age of superannuation.

4. The main grievance of the petitioner is that after retirement from the service, the respondents withheld the pensionary benefits of the petitioner only because of the pendency of the enquiry against him. Though explanation was submitted by the petitioner against the charge memo and an Enquiry Officer was appointed long back, till now, he has not finalized the enquiry and not submitted his report. Aggrieved by the same, the present writ petition is filed.

5. Learned counsel for the petitioner submitted that by virtue of G.O.Ms.No.679, dated 01.11.2008, the Government clearly stated that the enquiry should be completed within three (3) months in simple and within six (6) months in complicated cases, but the same has not been followed by the respondents in the case of the petitioner.

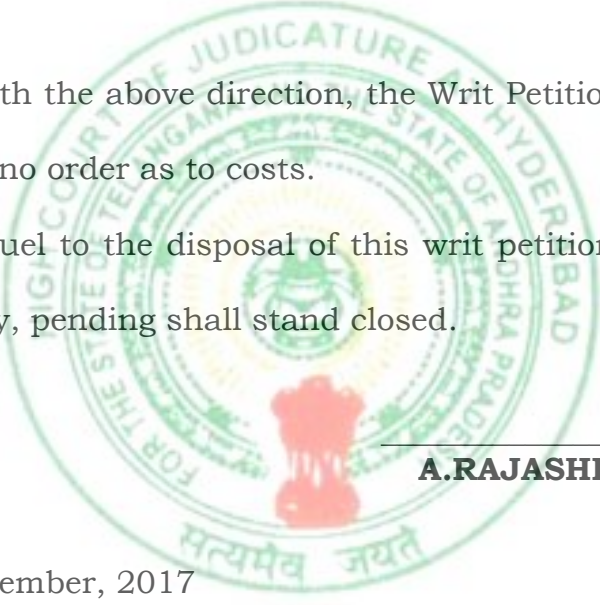
6. It is not known as to why the disciplinary proceedings against the petitioner are not concluded though Charge Memo was issued on 22.01.2015 and the petitioner has also submitted explanation to the said charge memo and even an Enquiry Officer was also appointed. At any rate, the respondents could have paid the petitioner the provisional pension though the disciplinary proceedings are pending against him. On the other hand, the

respondents are also obligated to complete the enquiry against the petitioner within the time frame as mentioned in G.O.Ms.No.679, dated 01.11.2008.

7. Having regard to the same, the competent authority is directed to pay the provisional pension to the petitioner within a period of two (02) weeks from the date of receipt of a copy of this order and the competent authority is also directed to conclude the disciplinary proceedings within a period of six (06) months from the date of receipt of a copy of this order, failing which the respondents shall release the retirement benefits to the petitioner.

8. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

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



A.RAJASHEKER REDDY, J

Date: 15th September, 2017

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