

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

[Special Original Jurisdiction]

WEDNESDAY THE TWELVETH DAY OF JULY
TWO THOUSAND AND SEVENTEEN

PRESENT
HONOURABLE SRI JUSTICE SURESH KUMAR KAIT
AND
HONOURABLE SRI JUSTICE U. DURGA PRASAD RAO

WRIT PETITION No. 22879 OF 2017

Between:

G. Sree Nagesh ... Petitioner

V/s.

State of Andhra Pradesh
Represented by its Principal Secretary
Revenue [REgn.I] Department
Secretariat, Velgapudi,
Amaravathi, Guntur District,
Andhra Pradesh & Ors. ... Respondents



Counsel for the Petitioner : Sri V. Ravichandran
Ms. S. Pranathi

Counsel for the Respondents : GP for Revenue [AP]
Sri M. Ratna Reddy

The court made the following: : [order follows]

HON'BLE SRI JUSTICE SURESH KUMAR KAIT
A N D
HON'BLE SRI JUSTICE U. DURGA PRASAD RAO

WRIT PETITION No. 22879 OF 2017

ORDER : (*Oral, Per the Hon'ble Sri Justice Suresh Kumar Kait*)

This writ petition is filed by the petitioner invoking the jurisdiction of this Court under Article 226 of the Constitution of India, seeking a writ of certiorari, calling for the records relating to and connected with the order dated 24/4/2017 passed by the A.P. Administrative Tribunal, Hyderabad in O.A.No. 983 of 2017, set aside the same and to declare the action of the respondents in continuing the disciplinary proceedings initiated against the petitioner vide G.O.Rt.No. 85, Revenue [Vigilance-II] Department dated 09/2/2015 and the related Memo.No. 36555/Vig.II [1]/2014-5, dated 10/1/2017 on the basis of perverse and discriminatory findings of the Enquiry Officer and thereby denying pensionary and other retirement benefits to which the petitioner is lawfully entitled to, as being arbitrary, illegal and contrary to the provisions of Rules 20 and 21 of A.P. Civil Services [CC & A] Rules, 1991 and contrary to the orders issued in G.O.Ms.No. 679, General Administration [Ser-C] Department, dated 01/11/2008.

2. Heard the learned counsel for the parties.

3. The petitioner has challenged the order dated 24/4/2017 passed by the A.P. Administrative Tribunal, Hyderabad, in O.A.No. 983 of 2017, whereby the learned Tribunal held at para No.3 of the order as under :

“3. The applicant incorporated all the above grounds in his written representation to the Government after the enquiry report was communicated to him. When the matter is pending with the Government, who is the disciplinary authority, simultaneously, the applicant cannot maintain this Original Application before this Tribunal for the self-same relief. This sort of litigation is unknown to service law. This Tribunal or any Court cannot interfere and pre-judge the issue when the matter is pending with the disciplinary authority for final disposal. This Original Application is highly misconceived and not maintainable.”

4. Sri V. Ravichandran, learned counsel appearing on behalf of the petitioner submits that subsequent to the orders passed by the Tribunal, the respondent-authority has issued a show cause notice dated 13/6/2017. He submits that the petitioner is entitled for provisional pension from the date of his retirement i.e., 30/09/2013 till final punishment imposed by the respondent-authority.

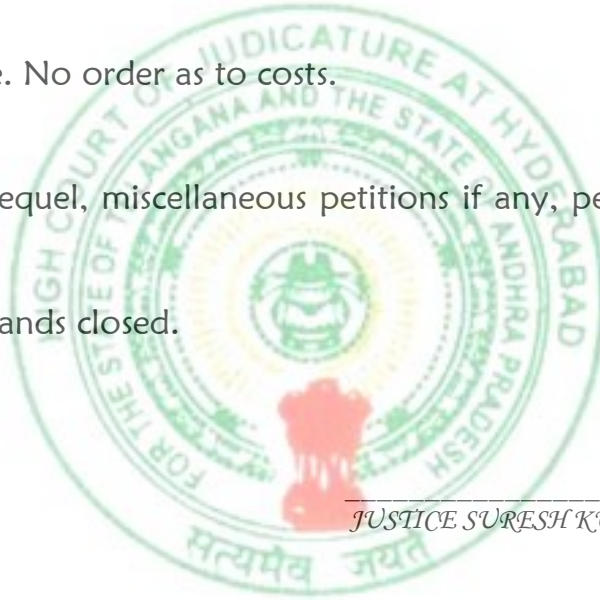
5. Learned Government Pleader appearing on behalf of the respondents on advance notice does not dispute the submission made by

the counsel for the petitioner and she further submits that the provisional pension shall be paid in favour of the petitioner.

6. In view of the above, we hereby direct the respondents to pay the provisional pension in favour of the petitioner from 30/09/2013 till date forthwith. The above exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

7. With the above direction, this writ petition is disposed of at the admission stage. No order as to costs.

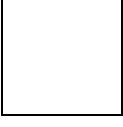
8. As a sequel, miscellaneous petitions if any, pending in this writ petition shall stand closed.



JUSTICE SURESH KUMAR KAIT

JUSTICE U. DURGA PRASAD RAO

**HON'BLE SRI JUSTICE SURESH KUMAR KAIT
AND
HON'BLE JUSTICE U. DURGA PRASAD RAO**



WRIT PETITION No. 22879 OF 2017

*(Order of the Division Bench delivered by
Hon'ble Sri Justice Suresh Kumar Kait)*



Date. 12-07-2017
Court Master: I s L
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