

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No. 46165 of 2016

Date: 18.01.2017

Between:

Sri Mohd. Aijaz Ali, S/o. late Sri Mohammad Ali,
Aged about 59 years, Occu: Senior Assistant (Retired),
H.No.3-6-9, Sudhanagar lane, Hanamakonda,
Warangal District.

.....Petitioner

and

The Regional Joint Director, Women Development &
Child Welfare, Advocates' Colony, Hanumakonda,
Warangal and others.

.....Respondents



The Court made the following:

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ORDER:

Petitioner retired from service on attaining the age of superannuation on 30.06.2015. By the time of retirement, disciplinary proceedings were initiated against the petitioner vide charge memo dated 06.09.2008. It is not in dispute that disciplinary proceedings initiated against the petitioner on 06.09.2008 are not concluded. Grievance of the petitioner is that his retirement benefits are not settled even though he retired from service on 30.06.2015. By way of interim relief, petitioner seeks grant of provisional pension.

2. Counter-affidavit is filed on behalf of the 1st respondent. Along with the counter-affidavit, proceedings of the District Welfare Officer, Adilabad, dated 07.01.2017 is enclosed at page-75 in running index. These proceedings indicate that petitioner was granted provisional pension @ 75% of normal pension w.e.f. 01.07.2015.

3. Since disciplinary proceedings are pending, the prayer sought in the writ petition to settle all the retirement benefits with interest cannot be granted at this stage. During the pendency of disciplinary proceedings, retired employee is entitled to provisional pension only. Vide the proceedings of the District Welfare Officer, dated 07.01.2017, petitioner was granted provisional pension. In view of the same, no further relief can be granted in the writ petition. Writ petition is disposed of leaving it open to the petitioner to agitate regarding the prayers sought in the writ

petition as and when disciplinary proceedings are concluded. The respondents are directed to ensure that arrears of provisional pension due to the petitioner from 01.07.2015 shall be released within a period of four weeks from the date of receipt of copy of this order and shall continuously be paid the provisional pension till disciplinary proceedings are concluded.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JUSTICE P.NAVEEN RAO

Date: 18.01.2017
kkm



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