

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
&
THE HON'BLE SMT JUSTICE T. RAJANI

WRIT PETITION No.24315 of 2011

DATED: 02.08.2017

Between

Smt. K. Manorama.

...PETITIONER

And

High Court of Andhra Pradesh, Hyderabad,
Rep. by Registrar (Administration) and another.

...RESPONDENTS

COUNSEL FOR THE PETITIONER: SMT. K. UDAYA SRI

COUNSEL FOR THE RESPONDENT: MR. S. SRI RAM



THE COURT MADE THE FOLLOWING:

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
&
THE HON'BLE SMT JUSTICE T. RAJANI

WRIT PETITION No.24315 of 2011

ORDER: (Per Hon'ble Sri Justice V. Ramasubramanian)

The petitioner has come up with the above writ petition challenging the penalty of stoppage of two increments with cumulative effect.

2. Heard Smt. K. Udaya Sri, learned counsel for the petitioner and Mr. S. Sri Ram, learned standing counsel for the respondents.

3. Though the petitioner challenges the order of penalty, the learned counsel for the petitioner submitted, on instructions, that the challenge to the order of penalty is not pressed. But the petitioner still has a grievance.

4. On account of the pendency of the writ petition and on account of the penalty, the petitioner has been released only a part of the terminal benefits. Therefore, all that the petitioner now wants is the release of whatever the terminal benefits that she is entitled to, without going into the validity of the penalty of stoppage of two increments.

5. By the order dated 11.11.2014, the second respondent permitted the petitioner to retire on reaching the age of superannuation and granted provisional pension at 80% of the normal pension under Rule 52 (i)(c) of the A.P. Pension Rules, 1980 and sanctioned 80% of the provisional gratuity till the conclusion of the departmental proceedings. But the departmental proceedings had already concluded way back in the year 2010, resulting in a penalty of

stoppage of increments for two years. Therefore, the petitioner is, as of right, entitled to the release of all the terminal benefits.

6. The order of penalty was actually passed on 27.01.2010 and the same was confirmed by the appellate authority on 03.08.2011. The petitioner reached superannuation on 30.09.2014. During the pendency of this writ petition, there was no interim stay of the order of penalty. Therefore, the penalty, in all probability, would have been implemented and the petitioner would not have been sanctioned the increments due for the years 2011 and 2012. In such circumstances, there should have been no difficulty for the respondents to release the pensionary benefits as calculated on the basis of the pay that the petitioner actually drew or would have drawn, after taking into account the penalty.

Hence, the writ petition is disposed of directing the respondents to calculate the pension as well as gratuity and other terminal benefits, payable to the petitioner, after taking into account the penalty imposed, the challenge to which is now withdrawn. The calculation shall be made by the respondents within a period of four (4) weeks and after deducting the amount already paid, the balance shall be released within a period of twelve (12) weeks, together with interest, if any, applicable as per the rules.

Consequently, pending miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

V. RAMASUBRAMANIAN, J

T. RAJANI, J

August 2, 2017
DSK