

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.15634 OF 2017

DATED : 28.04.2017

Between :

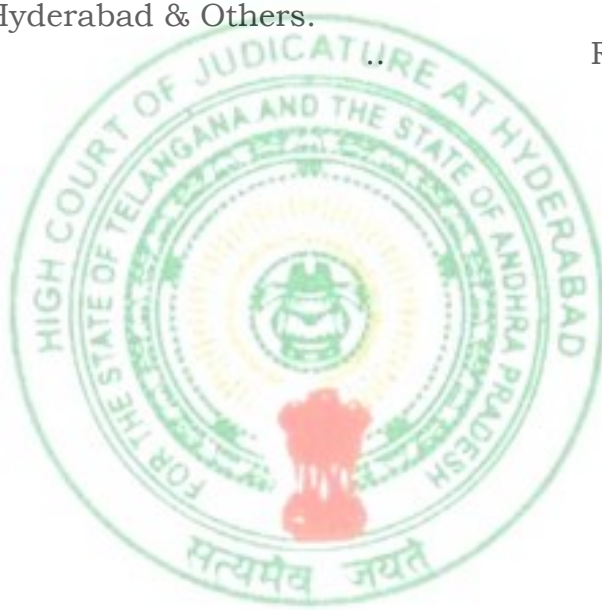
T.M.Arjun Kumar S/o.T.M.Mutyalu,
Aged about 65 yrs, Occu : Retired Assistant Commercial
Tax Officer, Commercial Tax Office, Charminar Circle,
Hyderabad R/o.D.No.65, Shalivahan Nagar,
Road No.3, Dilsukhnagar, Hyderabad.

..
Petitioner

And

The State of Telangana,
Rep., by its Principal Secretary,
Revenue (Vigilance.II) Department,
Secretariat, Hyderabad & Others.

..
Respondents



This court made the following :

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ORDER :

Heard.

2. On the ground that petitioner was convicted in C.C.No.8 of 2011 on the file of Principal Special Judge, for SPE & ACB Cases – cum IV Additional Chief Judge, City Civil Court, Hyderabad, on 09.01.2017, Government passed orders in G.O.Ms.No.57 dated 31.03.2017, imposing 100% cut in pension.

3. This order of Government is challenged on the ground that aggrieved by the order of conviction, petitioner preferred Criminal Appeal No.45 of 2017 before this Court and this Court granted suspension of sentence imposed. Mere suspension of sentence imposed is not a ground for seeking direction not to impose punishment based on conviction. As held by the Hon'ble Supreme Court in ***Union of India Vs V.K.Bhaskar***¹, based on conviction, punishment can be imposed and mere pendency of criminal appeal is not a ground for staying the disciplinary action. Therefore, I see no error in the order impugned warranting interference by this Court.

4. Writ petition is accordingly, dismissed. However, it is needless to observe that in the event of petitioner succeeding in the Criminal Appeal, he is entitled to claim all the benefits flowing therefrom. There shall be no order as to costs.

¹ 1997 (11) SCC 383

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

28th April, 2017
Rds

P.NAVEEN RAO,J

