

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION DNo.24873 of 2017

ORDER :

The case of the petitioner is that he worked in the substantive post of Assistant City Planner and retired from service on attaining the age of superannuation with effect from 31.05.2016, while holding the post of Incharge City Planner. The 2nd respondent – Corporation vide Lr.No.723/Pension/GHMC/2015, dated .12.2015 took a decision to finalise the pension cases of all the retiring employees well before their retirement by 2nd of every month. While the petitioner was in service, disciplinary proceedings were initiated against the petitioner vide G.O.Rt.No.188, Municipal Administration and Urban Development (Vig.II) Department, dated 12.05.2015, alleging that he failed to stop unauthorized construction of 3rd to 5th Floors at premises bearing No.6-3-584, Khairatabad, Hyderabad. Subsequently, the petitioner was issued a Charge Memo on 12.06.2015 and the petitioner also submitted his explanation to the Charge Memo on 03.03.2016 denying the charges levelled against him. Thereafter, the 1st respondent issued G.O.Rt.No.539, Municipal Administration and Urban Development (Vig.II (1)) Department, dated 18.12.2015, appointing the Presenting

and Enquiry Officer. Though the alleged incident pertains to the year 2009-10, the respondents took more than five years to initiate the disciplinary proceedings against the petitioner and though more than 1 ½ year has elapsed after appointment of Presenting and Enquiry Officer, the disciplinary proceedings could not be concluded. Since the disciplinary proceedings are still pending, the petitioner is not paid the pensionary and retirement benefits. Therefore, aggrieved by the action of the respondents in not concluding the disciplinary proceedings as well as in denying the pensionary benefits, the petitioner has filed the present writ petition.

2. Learned counsel for the petitioner submits that though the Government have issued G.O.Ms.No.679, dated 01.11.2008, stipulating time limit of 3 to 6 months to conclude the disciplinary proceedings, as was provided in Rule 20 of the A.P.C.S. (CC & A) Rules, 1991, the respondents have not concluded the disciplinary proceedings. Learned counsel would further submit that though the petitioner is entitled for provisional pension even during the pendency of disciplinary proceedings, the same is also not being paid to him.

3. Heard learned counsel for the petitioner as well as the learned Assistant Government Pleader for Services appearing for respondent No.1, and Sri P. Kesava Rao, learned Standing Counsel, appearing for respondent Nos.2 to 4. Perused the material available on record.

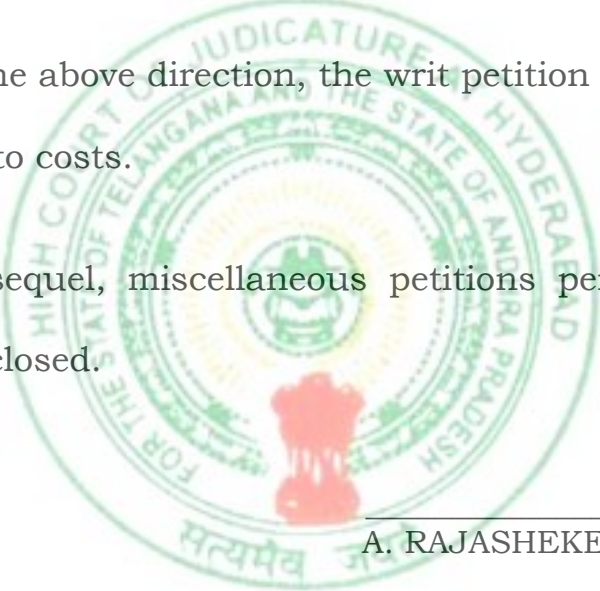
4. It is to be seen that the petitioner was issued a Charge Memo on 12.06.2015, to which he submitted his explanation on 03.03.2016 and Enquiry Officer was also appointed on 18.12.2015. In the meanwhile, the petitioner retired from service on attaining the age of superannuation on 31.05.2016. It is not known as to why enquiry was not commenced and concluded even after initiation of disciplinary proceedings against the petitioner long back and on account of pendency of disciplinary proceedings, the petitioner was denied pension and other retirement benefits. Further, even during the pendency of the disciplinary proceedings, the respondents have to pay provisional pension to the petitioner. However, no justification is shown for non-conclusion of the disciplinary proceedings and also for non-payment of provisional pension and other retirement benefits to the petitioner.

5. In view of the above, this Court is of the considered view that since the issue is pending with the respondents, it would be appropriate to direct the competent authority to conclude the disciplinary proceedings initiated against the petitioner within a period of twelve (12) weeks from the date of receipt of a copy of this order. In the meanwhile, the respondents are directed to pay provisional pension and other retirement benefits to which the petitioner is entitled to as per the rules during the pendency of disciplinary proceedings.

6. With the above direction, the writ petition is disposed of. No order as to costs.

7. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

02.08.2017.
Msr

A. RAJASHEKER REDDY, J

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Msr