

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.6599 OF 2013

Date:09.03.2017

Between:

Patnam Subrahmanyam, S/o. Late Chengaiah,
Aged about 60 years, Occ: Retired Junior
Assistant, R/o.H.No.6/12 (2), S.V. Nagar,
Perumallapalle Village and Mandal,
Tirupati Rural, Chittoor District

.. Petitioner

And

The Government of Andhra Pradesh,
Rep., by its Principal Secretary, Higher
Education, Secretariat, Hyderabad
and another

.. Respondents



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ORDER:

Petitioner was working as Junior Assistant in the Examination Branch of the 2nd respondent – University. By proceedings dated 27.11.1996, he was placed under suspension on the ground of his involvement in criminal case in C.C.No.147 of 1998 on the file of the IV Additional Judicial Magistrate of First Class, Chittoor District. The petitioner was shown as an accused in the said C.C. Subsequently, suspension was revoked by order dated 16.08.1999. The petitioner was acquitted by judgment, dated 23.08.2010, and the said judgment has become final. On attaining the age of superannuation on 31.05.2011, the petitioner filed this Writ Petition aggrieved by the inaction of the authorities in granting terminal benefits, including full pension to him, on his retirement and holding that he is not entitled to terminal benefits, in the order, dated 19.02.2013.

2. Heard learned counsel for the petitioner and learned Standing Counsel for the respondent – University.

3. It is not in dispute that no disciplinary action was initiated against the petitioner and he was suspended only on the ground of his involvement in the said criminal case, but the same was ended in acquittal. Thus, by the time the petitioner retired from service, there was no other impediment in granting the retirement benefits to him.

4. Learned counsel for the respondent – University fairly submits that no proceedings are pending against the petitioner at the time of his retirement or after retirement.

5. In the order impugned in the Writ Petition, after enlightening the events leading to suspension and subsequent acquittal in one sentence in the last paragraph, it is stated that '*as per Clause No.6 of F.R.54 (B), petitioner is not entitled to terminal benefits*'. This would clearly show the non-application of mind and a mechanical consideration of the issue in relation to release of retirement benefits.

6. As noted above, it is not in dispute that the disciplinary proceedings are not initiated and the reason for suspension was on account of his involvement in a criminal case. Sub-Rule (6) of F.R.54 is applicable only if criminal proceedings are pending. In the instant case, as no criminal proceedings are pending against the petitioner, his suspension becomes illegal and therefore, he is entitled to regularisation of the period of suspension and all the benefits.

7. Further, the issue is not only with regard to the regularisation of period of suspension, but also payment of all other terminal benefits and for no justifiable reason or cause, so far terminal benefits are not paid to the petitioner. The petitioner is not even getting the provisional pension. The denial of terminal benefits to the petitioner, to which he is entitled to, is *ex facie* illegal and without any justification.

8. The writ petition is accordingly allowed and the respondents are directed to pay terminal benefits to the petitioner within a period of six weeks from the date of receipt of a copy of this order. Since denial of the terminal benefits to the petitioner was on illegal grounds, he is also entitled to interest on all the retirement benefits from the date of his retirement till the date of payment at 7% per annum. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

Date:09.03.2017

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P. NAVEEN RAO, J

