

**THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

**WRIT PETITION No. 16009 OF 2007**

**ORDER:**

This writ petition is filed by the petitioner seeking *Writ of Mandamus* declaring the action of the respondents in not releasing the pensionary benefits to the petitioner after retirement as Functional Manager, as illegal and arbitrary and consequently to direct the respondents to release all the pensionary benefits, with interest by quashing the departmental proceedings for abnormal delay.

Heard Sri M.R. Tagore, learned counsel for the petitioner and learned Government Pleader for Industries.

It is contended by the petitioner that he was appointed as L.D.C. in the year 1968 in the respondent-Khadi Board. Subsequently, he was promoted as UDC, Accountant and District Development Officer in the years 1976, 1986 and 1995 respectively. Finally, he was promoted as Functional Manager in the year 2000. On attaining the age of superannuation, he retired from service on 31.10.2002. While he was working as Functional Manager, a charge memo dated 13.12.2001 had been issued to him framing four charges. He had submitted the explanation on 18.2.2002. In view of pendency of departmental proceedings, the entire terminal benefits are being stopped to him and only provisional pension is being paid to him. Challenging the inaction of the respondents in not concluding the departmental proceedings initiated against him, and also not paying full pension, the present writ petition is filed.

Learned counsel for the petitioner would contend that the departmental proceedings initiated against the petitioner are not yet concluded. Since almost all 17 years have lapsed from the date of issuance of the charge memo, a direction is sought for to the respondents to quash the disciplinary proceedings on the ground of delay.

Learned counsel appearing for the respondents would contend that the respondents require some time to conclude the departmental proceedings and to pass orders.

This Court, having considered the rival submissions of the parties, is of the considered view that the Government had issued instructions stating that if the charges are grave in nature, the disciplinary authority shall conclude the disciplinary proceedings within six months and if the charges are minor in nature, the disciplinary proceedings shall be concluded within three months. Though the charge memo had been issued in the year 2001 and 17 years have lapsed, the disciplinary proceedings are not yet concluded by the respondents. Therefore, as a last chance, an opportunity is being given to the respondents to conclude the disciplinary proceedings, within three months from the date of receipt of a copy of this order, failing which, the charge memo issued against the petitioner on 13.12.2001 is liable to be quashed.

With these observations, the writ petition is disposed of.

Miscellaneous petitions, pending if any, shall stand closed.

No costs.

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**ABHINAND KUMAR SHAVILI, J**

**Date:12/09/2018**  
Slk

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**Dated:12/09/2018**

slk