

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION NO.20851 OF 2018

ORDER: (per SK,J)

The petitioner assails the Charge Memo issued *vide* G.O.Rt.No.131, Housing (Vig.Cell) Department, dated 12.06.2013, in response to which, he submitted his explanation on 01.07.2013. He seeks a consequential direction to set aside the said Charge Memo or in the alternative to direct the authorities to complete the departmental enquiry and pass final orders within a time frame. He seeks a further direction to the authorities to release his full pension and retirement benefits with interest.

The petitioner was appointed as a Junior Housing Engineer in the erstwhile Andhra Pradesh Housing Board and was promoted as a Deputy Executive Engineer in 2010. He was subjected to disciplinary proceedings under the impugned Charge Memo in the year 2013. While so, the Telangana Housing Board, the successor-in-interest of the erstwhile Andhra Pradesh Housing Board in the State of Telangana, issued Circular dated 23.11.2015 proposing to retire the petitioner from service on 30.06.2016 upon his attaining the age of superannuation of 58 years. Aggrieved thereby, the petitioner filed O.A.No.2120 of 2016 before the Andhra Pradesh Administrative Tribunal, Hyderabad, and the said Circular was suspended directing the authorities to continue him in service till he attained the age of 60 years.

The petitioner submitted a representation seeking further promotion to the post of Executive Engineer in the Telangana Housing Board or in the alternative to transfer him to the present Andhra Pradesh Housing Board. By proceedings dated 14.03.2016, the Telangana Housing

Board transferred the petitioner to the present Andhra Pradesh Housing Board, as per his request. Though he was relieved by the Telangana Housing Board under proceedings dated 31.03.2016, the Andhra Pradesh Housing Board, *vide* proceedings dated 27.06.2016, rejected the petitioner's request to be permitted to join duty in the Andhra Pradesh Housing Board as his transfer was not in accordance with the due procedure. In the meanwhile, as the petitioner attained the age of 60 years and was bound to retire from service even if his plea for continuation in service up to that age was accepted, he approached the authorities for release of his retirement benefits. However, owing to the pendency of the Charge Memo issued *vide* G.O.Rt.No.131 dated 12.06.2013, he apprehended that no further action would be taken in that regard and filed this writ petition seeking relief as stated *supra*.

Heard Sri K.R.Srinivas, learned counsel for the petitioner, learned Government Pleaders for Services for the States of Telangana and Andhra Pradesh, Sri A.K.Jayaprakash Rao, learned standing counsel for the Telangana Housing Board and Sri D.Ranganath Kumar, learned standing counsel for the Andhra Pradesh Housing Board.

We are informed that the petitioner has withdrawn another writ petition filed by him with regard to his being given posting orders by the present Andhra Pradesh Housing Board. Sri A.K.Jayaprakash Rao, learned standing counsel, would however inform this Court that the petitioner did not report to the authorities of the Telangana Housing Board.

In this regard, the learned Government Pleader for Services, State of Telangana, produced Memo dated 22.09.2018 issued by the Special Chief Secretary to Government, Government of Telangana, whereby the Government Pleader was informed that the disciplinary proceedings

against the petitioner and four others were under examination at the Government level, in consultation with the Telangana Vigilance Commission, and that six months time would be required to finalise the same.

This Memo makes it clear that the Government of Telangana is proceeding in the matter treating the petitioner as an employee of the Telangana Housing Board. As the petitioner has already withdrawn the other writ petition relating to the present Andhra Pradesh Housing Board, he is deemed to have retired in the service of the Telangana Housing Board upon attaining the age of 58 years. As the disciplinary proceedings initiated against him are still pending consideration, he would be entitled to provisional pension in accordance with Rule 52 of the Telangana Revised Pension Rules, 1980, pending the disciplinary proceedings.

The writ petition is accordingly disposed of granting six months time to the State of Telangana and the Telangana Housing Board to complete the disciplinary proceedings initiated against the petitioner *vide* G.O.Rt.No.131 dated 12.06.2013. In the meanwhile, he shall be granted provisional pension in accordance with the rules.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR,J

M.GANGA RAO,J

Date:24.09.2018

GJ