

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.25870 OF 2018

Dated:26.07.2018

Between:

V. Viswanatham, S/o. V. Keshavulu,
Aged about 66 years, Occ: Retired
Government Employee (Assistant Engineer
From Panchayat Raj Engineering Dept.),
R/o.Plot No.16, House No.16-11-16/16D,
Sripuram Colony, Malakpet, Hyderabad .. Petitioner

And

The State of Telangana, rep., by its
Principal Secretary, Panchayat Raj Department,
Presently the Special Chief Secretary to
Government, Panchayat Raj and Rural
Department, secretariat Buildings,
Hyderabad and others .. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.25870 OF 2018****ORDER:**

Heard.

2. Petitioner was appointed as Assistant Engineer at Telkapally Mandal, Mahabubnagar District. He retired from service on attaining the age of superannuation on 30.06.2010. Prior to his retirement, he was implicated in two criminal cases by Anti Corruption Bureau authorities. On the ground that the criminal cases are pending against him, only provisional pension was sanctioned to the petitioner. Petitioner is now acquitted by the criminal Court in both the criminal cases. After acquittal, petitioner made representations for treatment of the period of suspension as on duty and for release of all pensionary benefits. Alleging inaction, this Writ Petition is filed.

3. Pending criminal cases, pensionary benefits can be withheld and only provisional pension can be paid. Though pending disciplinary action, an employee can also be placed under suspension, in the instant case, it appears, there was no disciplinary action initiated against the petitioner and he was placed under suspension on the ground of his involvement in criminal cases and was granted only provisional pension.

4. If that is so, as a consequence to acquittal, ordinarily, the employee is entitled to all benefits by treating the period of suspension as on duty and release of all pensionary benefits.

5. Material on record would disclose that on 01.02.2018, petitioner made a detailed representation referring to the acquittal granted by the criminal Court and praying to regularize the period of suspension as on duty and to release all pensionary benefits.

6. Taking due note of the legal position and in view of acquittal granted to the petitioner, the respondents are directed to take appropriate decision as warranted by law on the representation dated 01.02.2018 submitted by the petitioner. Further, if petitioner is found to be eligible for regularization of the period of suspension and for grant of all retirement benefits, the same shall be processed and released as expeditiously as possible preferably within a period of eight weeks from the date of receipt of a copy of the order. The Writ Petition is accordingly disposed of.

Pending Miscellaneous Petitions shall stand closed.

Date:26.07.2018

KH

P. NAVEEN RAO, J