

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

CONTEMPT CASE No.1318 of 2017

JUDGMENT: (Per VRS,J)

By order dated 03.11.2016 passed in the writ petition, we directed the respondents to complete the inquiry within a period of six months subject to the cooperation of the petitioner. The petitioner had retired in the year 2013.

2. Contending that the order was not complied with, the petitioner came up with the above Contempt Case. On 15.12.2017 we passed the following order.

“The learned government Pleader for Services-I (A.P.) shall file affidavit of the Commissioner, Prohibition and Excise Department, indicating the following particulars.

1. What is the stage of the enquiry;
2. Why such enquiry held; and
3. What is the probable date by which the enquiry would be completed.

Post after two weeks.”

3. Pursuant to the aforesaid orders, the Special Chief Secretary to Government, Revenue Department has filed a counter affidavit. He has explained in the counter affidavit, the stage of the inquiry and the reasons for the delay. The reasons for the delay are stated to be that there are voluminous documents and that the Anti-Corruption Bureau is yet to furnish the list of documents and list of witnesses.

4. In response to the third question, viz., what would be the probable date by which the enquiry would be completed, the Special Chief Secretary has stated as follows:

“In reply to 3, what is the probable date by which the enquiry would be concluded?, it is respectfully submitted that the cases booked by the Anti-Corruption Bureau in this alleged Liquor Syndicate scam in the entire state involved voluminous documentary evidence and hence require considerable time for concluding the enquiry. It is submitted that, Government is taking all steps to get enquiry concluded at the earliest by obtaining the documents from Director General, Anti-Corruption Bureau.”

5. It is clear from the above that there is no end in sight and it may not be possible for the respondents to identify with any amount of precision the date by which the enquiry would be completed.

6. The petitioner retired from service in the year 2013. In this State there is no provision for retaining a Government servant in service and placing him under suspension on the eve of retirement so as to continue the disciplinary proceedings and impose any of the major penalties. This is in view of the repeal of Fundamental Rule 56 by the 1983 Act. Therefore, at the most the Government can proceed only under Rule 9 of the A.P. Revised Pension Rules. In such circumstances, it is not fair to allow the petitioner to wait for the settlement of the terminal benefits, without an end in sight.

7. Hence, the respondents are granted time up to 30.06.2018 to complete the inquiry. If the inquiry is not completed on or before the said date, the respondents are obliged to pay all the terminal benefits including the gratuity, and thereafter, proceed under Rule 9 of the Pension Rules in respect of the future pension. Accordingly the Contempt Case is close.

8. As a sequel, pending miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

JUSTICE V. RAMASUBRAMANIAN

JUSTICE G. SHYAM PRASAD

2nd February, 2018
Js.



THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

CONTEMPT CASE No.1318 of 2017



Date: 02-02-2018

Js.