

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.952 OF 2019

ORDER

This writ petition is filed seeking the following relief:

“...To issue a writ of Mandamus or any other appropriate writ or direction declaring the action of the respondents withholding the commutation of pension of the petitioner even though the G.O.Rt.No.106, High Education Department, dt. 2-6-2018 issued to release full pension and gratuity as illegal, arbitrary and consequently direct the respondents to release the commutation of pension to the petitioner forthwith with 10 Percent interest and pass other or further orders as the Hon'ble Court feels deem fit and proper in the facts and circumstances of the case.”

Heard Sri K.Bheema Rao, learned counsel appearing for the petitioner and learned Government Pleader for Higher Education appearing for the respondents.

Learned counsel appearing for the petitioner submits that though the petitioner had retired from service as Chief Auditor on attaining the age of superannuation on 31.10.2002, his pensionary benefits were not released to him due to pendency of ACB case against him; that the petitioner was acquitted from the said criminal case i.e., C.C.No.8 of 2006 *vide* order dated 30-09-2014; that the respondents have released full pension *vide* G.O.Rt.No.10, dated 2.6.2018, but not allowing the petitioner for commutation of his pension; that the petitioner submitted a representation to the respondents on 11.9.2018, but, so far no orders have been

passed thereon; and that appropriate orders be passed directing the respondents to consider the said representation, in accordance with law.

Learned Government Pleader appearing for the respondents contends that the petitioner is not entitled for commutation of pension; that commutation of pension will be allowed for one year from the date of retirement, but not after lapse of 16 years; and that the representation of the petitioner will be considered in accordance with law.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the view that ends of justice would be met if a direction is given to the respondents to consider the representation of the petitioner.

Accordingly, the Writ Petition is disposed of directing the respondents to consider the representation of the petitioner dated 11.09.2018 and pass appropriate orders in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

23rd January, 2019
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