

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.1316 of 2019

ORDER:

This writ petition is filed seeking a Writ of Mandamus declaring the action of respondents in not considering the claim of the petitioner for regularizing the suspension period from 11.04.2011 to 08.05.2013 as on duty for 759 days and not granting full pension and not releasing all retirement benefits even though he was acquitted by the Additional Special Judge for SPE & ACB Cases-cum-V Additional Chief Judge, City Civil Court, Hyderabad, in C.C.No.41 of 2013 by judgment, dated 31.07.2017, as illegal, arbitrary and unconstitutional and sought a consequential direction to the respondents to regularize the suspension period from 11.04.2011 to 08.05.2013 as on duty for 759 days and to pay full pension with effect from 31.01.2017 and to pay all retirement benefits with 8% interest by following the law laid down by the Division Bench of this Court in W.P.No.27607 of 2009 and batch dated 28.01.2010 with all consequential benefits.

Heard Mr.A.Ravinder, learned counsel for petitioner and the learned Government Pleader for Services-II.

It has been contended by the petitioner that he was working as Village Revenue Officer and he was placed under suspension on 11.04.2011 on certain allegations of corruption and also for initiation of ACB proceedings against the petitioner. The petitioner further submits that the petitioner was reinstated into service on 08.05.2013. The petitioner further submits that the petitioner had attained the age of superannuation on 31.01.2017.

The grievance of petitioner is that the respondents are not regularizing the suspension period from 11.04.2011 to 08.05.2013. The petitioner further contends that he was tried by the Additional Special Judge for SPE & ACB Cases-cum-V Additional Chief Judge, City Civil Court, Hyderabad, in C.C.No.41 of 2013 and he was acquitted vide order dated 31.07.2017. The petitioner contends that even though he was acquitted in Criminal Case, the respondents are not paying full pensionary benefits and also not regularizing the suspension period from 11.04.2011 to 08.05.2013. To that effect, the petitioner has submitted a representation to the respondents during December, 2017, but, so far, the respondents have not passed any orders on the said representation nor released the pensionary benefits in favour of petitioner. Therefore, the learned counsel for petitioner contended that appropriate orders be passed in the writ petition directing the respondents to release full pensionary benefits by regularizing the suspension period from 11.04.2011 to 08.05.2013 by duly taking into account the orders passed by the Division Bench in W.P.No.27607 of 2009 and batch dated 28.01.2010.

Learned Government Pleader appearing for respondents contended that the representation of the petitioner will be considered and appropriate orders would be passed in accordance with law.

This Court, having considered the rival submissions, is of the considered view that the writ petition can be disposed of directing respondents to consider the representation submitted by the petitioner for release of full pensionary benefits by duly taking into

account the acquittal of the petitioner in C.C.No.41 of 2013 dated 31.07.2017 and pass appropriate orders in accordance with law within a period of six weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 25-01-2019
Prv

