

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 4812 of 2019

Date : 11.3.2019

Between:

P B V Krishna s/o late P Bashaiah aged 59 years Retired
Assistant Prohibition and Excise Superintendent
Secunderabad r/o Padmaraonagar Secunderabad

Petitioner

And

The State of Telangana
rep by its Principal Secretary to Government Revenue Excise
I Department Telangana Secretariat Hyderabad & others
Respondents

The Court made the following:



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ORAL ORDER:

Heard learned counsel for petitioner and learned Government Pleader for Revenue (Excise).

2. Petitioner retired from service as Assistant Prohibition and Excise Superintendent on 31.5.2018. While he was in service, he was placed before the Tribunal for Disciplinary Proceedings on the allegations of misconduct and charge memo was issued on 5.3.2018. This writ petition is filed challenging the charges framed in Tribunal Enquiry Case No. 460 of 2013 alleging that charges relate to the year 2011, therefore no disciplinary action can be taken against the petitioner in view of the prohibition contained in Rule 9 (2) (b) (ii) of Telangana Revised Pension Rules, 1980.

3. Learned counsel for petitioner does not dispute the fact that Rule 9 of the Rules, 1980 would attract only in case disciplinary proceedings are initiated after retirement of employee. Against a retired employee, no disciplinary action can be initiated for an incident happened four years prior to date of issuance of charge memo. In the instant case, charges were drawn on 5.3.2018 by which date petitioner was in service. Therefore, Rule 9 of the Rules, 1980 is not attracted and prayer sought in the writ petition by placing reliance on Rule 9 of Rules 1980 is misconceived. Accordingly, writ petition is dismissed. It is made clear that petitioner has not raised any other ground except contentions on applicability of Rule 9 of Rules, 1980, as such all issues are left open for the petitioner to agitate before appropriate forum. No costs. Miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE: 11-3-2019
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