

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.6808 OF 2019

ORDER:

With the consent of learned counsel for both parties, the writ petition is taken up for final disposal at the admission stage.

This writ petition is filed seeking a writ of Mandamus to declare the inaction of the 1st respondent in taking any decision for revoking the suspension order dated 28.02.2016 issued against the petitioner pursuant to the letter dated 16.08.2016 forwarded by the District Collector, Mancherial and also enquiry report dated 20.10.2017 submitted by the Director General, Anti-Corruption Bureau (ACB), Telangana, indicating that no action is needed against the petitioner for prosecution or departmental action, as illegal, arbitrary and violative of principles of natural justice and sought a consequential direction to the 1st respondent to take decision within a reasonable period of time and release the entire pensionary benefits in favour of the petitioner.

Heard Sri M.M.M. Srinivasa Rao, learned counsel for the petitioner, and the learned Government Pleader for Services-II appearing for the respondents.

It has been contended by the petitioner that he is a retired employee and on the date of his retirement, he was placed under suspension vide proceedings dated 28.02.2016. The grievance of the petitioner is that he was placed under suspension on the ground that he was involved in a ACB case. The petitioner further submitted that though ACB, Telangana, vide their letter dated 20.10.2017 has informed the respondents that no action can be initiated against him, the respondents have not taken any decision till date. It is also the case of the petitioner that earlier he has filed a writ

petition being W.P. No.35683 of 2016 and this Court has disposed of the same on 21.10.2016 directing the respondents to consider the representation submitted by the petitioner and pass appropriate orders. In pursuance thereof, the respondents have passed orders vide memo dated 04.01.2017 to the effect that since ACB has not submitted any report, they are not in a position to adjudicate the matter and the moment the ACB submits a report, the respondents would pass appropriate orders.

Learned counsel for the petitioner submits that subsequent to passing of the orders by the respondents vide memo dated 04.01.2017, the ACB, Telangana had submitted a report on 20.10.2017 and basing on this report, let the respondents re-consider the entire issue and pass appropriate orders and if the respondents come to a conclusion that no further action be initiated against the petitioner, then the respondents be directed to release the pensionary benefits to the petitioner.

Learned Government Pleader appearing for the respondents had submitted that since the ACB has submitted a report on 20.10.2017, the respondents would consider the said report and pass appropriate orders within a reasonable period of time.

This Court, having considered the rival submissions of the learned counsel for respective parties, is of the considered view that this writ petition can be disposed of directing the respondents to pass final orders based upon the ACB report dated 20.10.2017 within a period of eight weeks from the date of receipt of a copy of this order and if the respondents come to a conclusion that no further action be initiated against the petitioner, then it is needless to say that the respondents would release all the pensionary benefits to the petitioner in accordance with the Rules.

With these observations, the writ petition is disposed of. No costs.
Consequently, miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Dated: 1st April, 2019
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