

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVIL

WRIT PETITION No.7989 of 2019

ORDER:

This writ petition is disposed of at the stage of admission with the consent of both the parties.

This writ petition is filed seeking the following relief :-

“....to issue Writ or direction preferably Writ of Mandamus declaring the action of the respondents in not concluding disciplinary proceedings and not releasing retiral benefits even though petitioner was retired on 31.8.2013 as illegal, arbitrary and violative of principles of natural justice and consequently set aside the disciplinary proceedings and release all retirement benefits and grant all consequential benefits with interest”.

Heard Mr.Kowturu Pavan Kumar, learned counsel for petitioner and the learned Government Pleader for Services-II.

It has been contended by the petitioner that he worked as Tahasildar and retired from service on attaining the age of superannuation on 31.08.2013. After retirement, the respondents have issued Memo on 03.12.2015. The petitioner has submitted explanation on 30.12.2015 denying the charges levelled against him. Thereafter, the petitioner was issued Articles of Charges on 15.09.2012 framing five charges. The petitioner has submitted explanation denying the charges levelled against him. Thereafter, the respondents have not concluded disciplinary proceedings initiated against the petitioner and not released terminal benefits in favour of the petitioner.

Learned counsel appearing for the petitioner has contended that the action of the respondents in not concluding disciplinary proceedings initiated against the petitioner, that too after

retirement, is illegal and arbitrary and further direct the respondents to release all terminal benefits.

Learned Government Pleader appearing for respondents has informed the Court that an Enquiry Officer was appointed on 11.06.2018 and the respondents would conclude the enquiry within a reasonable period of time, provided the petitioner co-operates with the Enquiry Officer.

This Court, having considered the rival submissions, is of the considered view that this writ petition can be disposed of directing the respondents to conclude disciplinary proceedings initiated against the petitioner within a period of three months from the date of receipt of a copy of this order, failing which, the petitioner would be entitled for all terminal benefits. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

Date: 18-04-2019
Prv

