

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.9357 of 2019

ORDER:

This writ petition is filed seeking a Writ of Mandamus declaring the action of respondents in not settling and releasing the pensionary benefits including terminal benefits to the petitioner after retirement from service on 31.03.2018, as illegal, arbitrary, unconstitutional, violative of principles of natural justice and also violative of Articles 14 and 21 of the Constitution of India and sought consequential directions directing the respondents to forthwith settle and release the pension and pensionary benefits to the petitioner.

2. Heard Sri T.Balaji, counsel for petitioner and Sri P.Sriharinath, Standing Counsel appearing for respondents.

3. It has been contended by the petitioner that he has worked as a Marketing Assistant with the respondents and had retired from service on attaining the age of superannuation on 31.03.2018. The grievance of the petitioner is that the respondents have initiated disciplinary proceedings when he was in service and in view of pendency of those disciplinary proceedings, respondents are not releasing the pensionary benefits even after his retirement. Challenging the same, the present writ petition is filed. Counsel for petitioner submitted that the respondents have conducted inquiry and the inquiry officer has already submitted the inquiry report on 02.11.2017, and inspite of the same, the respondents are not concluding the disciplinary proceedings. Therefore, counsel for

petitioner is seeking to pass appropriate orders in the writ petition directing the respondents to conclude the disciplinary proceedings initiated against the petitioner within reasonable period of time.

4. The Standing Counsel appearing for respondents has submitted that the inquiry officer has conducted detailed inquiry and submitted the inquiry report holding that the charges levelled against the petitioner are proved, but just because of pendency of this writ petition, they are not in a position to conclude the disciplinary proceedings. However, the respondents would conclude the disciplinary proceedings initiated against the petitioner within a reasonable period of time.

5. This Court, having considered the rival submissions made by the parties, is of the view that this writ petition can be disposed of directing the respondents to pass final orders in the disciplinary proceedings initiated against the petitioner within a reasonable period of time, preferably within Six weeks from the date of receipt of a copy of this order. It is needless to say that after disposal of the disciplinary proceedings, the entire pensionary benefits for which the petitioner is entitled to, shall be paid to the petitioner in accordance with law.

6. With the above directions, the writ petition is disposed of. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

13th November, 2019
ajr