

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.15993 OF 2019

ORDER:

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

This writ petition is filed seeking a writ of Mandamus to declare the action of the respondents in not granting full pension, gratuity and other retirement benefits to the petitioner on the ground that the 1st respondent referred the matter to the Tribunal for Disciplinary Proceedings (TDP) to conduct enquiry vide proceedings dated 21.07.2016 even though no charges were issued and making inordinate delay in concluding the proceedings, as illegal, arbitrary, discriminatory and violative of Articles 14 and 16 of the Constitution of India and sought a consequential direction to drop the case against the petitioner and further direct the respondents to release full pension, gratuity and other retiral benefits to the petitioner along with interest on the delayed payment of pensionary benefits.

Heard Sri P. Amarender, counsel for the petitioner, and Government Pleader for Services-III.

It has been contended by the petitioner that he has retired as Assistant Motor Vehicle Inspector on 30.11.2016. The petitioner has further submitted that on the intervening night of 17/18.01.2014, a surprise check was conducted by the ACB authorities in Shahpur check post of Shamshabad and based upon the said surprise check, the

matter was referred to the Tribunal for Disciplinary Proceedings and the name of the petitioner was also included in the said proceedings.

Counsel for the petitioner contended that when the surprise check has taken place by the ACB authorities at Shahpur check post of Shamshabad, the petitioner was not present at the site and he was attending the funeral of his father-in-law, but the respondents have referred the case of the petitioner to the Tribunal for Disciplinary Proceedings vide proceedings dated 21.07.2016. Counsel for the petitioner further contended that as the case of the petitioner is pending before the Tribunal for Disciplinary Proceedings, the respondents are not releasing the pensionary benefits and other retiral benefits of the petitioner and also the disciplinary proceedings said to have been initiated against the petitioner are not concluded. The counsel also contended that since the petitioner has submitted a representation to the 1st respondent on 26.02.2019 requesting the 1st respondent to exonerate him from the proceedings of the Tribunal for Disciplinary Proceedings by duly taking into account the fact that he was not on duty on the date of surprise check, let the 1st respondent pass appropriate orders on the said representation in accordance with law.

Government Pleader appearing for the respondents had contended that as the petitioner has submitted a representation to the 1st respondent requesting to drop the proceedings before the Tribunal

for Disciplinary Proceedings, the 1st respondent would consider the same and pass appropriate orders within a reasonable period of time.

This Court, having considered the submissions of learned counsel for respective parties, is of the considered view that without expressing any opinion on the merits of the case, this writ petition can be disposed of directing the 1st respondent to consider the representation submitted by the petitioner on 26.02.2019 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.

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

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

13th November, 2019
v v