

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.4122 OF 2013

ORDER:

This Writ Petition is filed seeking a Writ of Mandamus in not releasing the retirement benefits to the petitioner on his retirement after attaining the age of superannuation on 31.12.2007 on the alleged ground of pendency of criminal case even though the enquiry officer appointed by the first respondent submitted his report stating that the charges against the petitioner are not proved and for the same charges the first respondent had already passed the punishment order stopping one annual grade increment with cumulative effect, as arbitrary, illegal, against the rules and violative of principles of natural justice and sought a consequential direction to the first respondent to release the retirement benefits to the petitioner in the interest of justice.

Heard Sri Y. Neelakanta Reddy, counsel for the petitioner and the learned Standing Counsel appearing for the respondents.

It has been contended by the petitioner that he worked as a Manager with the first respondent and he has retired from service on attaining the age of superannuation on 31.12.2007. The petitioner further submitted that as a criminal case has been pending against the petitioner, the respondents have not released his retirement benefits. Challenging the same the present Writ Petition is filed. At the time of admission, on 26.04.2013, this Court was pleased to grant interim direction to the respondents to release 50% of the retirement benefits. The counsel for the petitioner submits that in the criminal case, which was pending against the petitioner i.e. C.C.No.766 of 2014 (Old C.C.No.310 of

2008) on the file of the Judicial Magistrate of First Class at Bellampalli, the petitioner was acquitted vide orders dated 08.05.2018. In view of the acquittal of the petitioner, let the respondents reconsider the case of the petitioner and appropriate orders be passed in the Writ Petition directing the respondents to release the entire terminal benefits of the petitioner.

Learned Standing Counsel submits that in view of the acquittal of the petitioner in the criminal case, appropriate orders would be passed.

This Court, having considered the rival submissions of the parties, is of the considered view that this Writ Petition can be disposed of directing the petitioner to submit a fresh representation within two weeks from the date of receipt of a copy of this order and upon receipt of such representation, the respondents shall consider the same by duly taking into account the acquittal of the petitioner in C.C.No.766 of 2014 and pass appropriate orders within a period of four (4) weeks thereafter.

With these observations, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

(ABHINAND KUMAR SHAVILI, J)

25th April 2019
RRB