

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.24384 of 2019

ORDER:

This writ petition is disposed of at the stage of admission with the consent of learned counsel for the respective parties.

This writ petition is filed seeking the following relief :-

“.....to issue a Writ or order or direction more in the nature of mandamus directing the respondents to consider the representations dated 22.08.2019 and 27.08.2019 of the petitioner and to accord for sanction for payment of service pension and gratuity to the petitioner within a reasonable time and also regularize the period of suspension of the petitioner for the period from 13.11.2009 to 03.06.2011 as on duty for all purposes as per Rule 54 B of Fundamental Rules with all consequential benefits and make payment of arrears of salary, pension, gratuity and other terminal benefits to the petitioner along with 8 % simple interest for the delayed payment from 01.08.2019 viz., the date of quashing of criminal proceedings to till the date of payment.....”

Heard Mr.M.Bala Gangadharaiah, learned counsel for the petitioner and the learned Government Pleader for Services-II.

It has been contended by the petitioner that he has retired from service as a Tahsildar on 31.03.2013 and he was placed under suspension with effect from 13.11.2009 on the ground that he was involved in a criminal case. The competent criminal Court was pleased to acquit the petitioner vide judgment dated 31.07.2019 in C.C.No.47 of 2015. In view of acquittal in criminal case, the petitioner has submitted representations to the respondents on 22.08.2019 and 27.08.2019 requesting to regularize the suspension period and release pension and pensionary benefits in accordance with law. But, so far, the respondents have not passed any orders on

the said representations. Challenging the same, the present writ petition is filed.

Learned counsel for the petitioner has contended that appropriate orders be passed in the writ petition directing the respondents to consider the representations submitted by the petitioner on 22.08.2019 and 27.08.2019 and pass appropriate orders in accordance with law.

Learned Government Pleader appearing for the respondents has contended that the case of the petitioner will be considered and appropriate orders would be passed on the representations submitted by the petitioner on 22.08.2019 and 27.08.2019 in accordance with law.

This Court, having considered the rival submissions, is of the considered view that this writ petition can be disposed of directing the respondents to consider the case of the petitioner for grant of pension and pensionary benefits and also for regularisation of suspension period and pass appropriate orders on the representations submitted by the petitioner on 22.08.2019 and 27.08.2019 in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

07-11-2019

Note:

Issue C.C. in one week

(B/o)

Prv