

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.25612 of 2019

ORDER:

Heard Sri G.Raman Goud, learned counsel for the petitioner and the learned Government Pleader for Services-I.

With the consent of learned counsel for the respective parties, this Writ Petition is being disposed of at the admission stage.

This writ petition is filed seeking the following relief :-

“.....Writ of Mandamus declaring the action of respondents in not concluding the disciplinary proceedings issued in Article of Charges in Rc.No.3091/2015-Vig.2 dated 21.02.2015 and not releasing the pension and pensionary benefits to the petitioner from the date of his retirement i.e., 28.02.2015 on reaching the age of superannuation as arbitrary, illegal and against the principles of natural justice and consequently direct the respondents to expedite the disciplinary proceedings framed against the petitioner in Article of Charges in Rc.No.3091/2015-Vig.2 dated 21.02.2015 to facilitate for release of pension and pensionary benefits to the petitioner and pass such other order or orders.....”

It has been contended by the petitioner that he has worked as Forest Range Officer and has retired from service on attaining the age of superannuation on 28.02.2015. While so, just before one week of his retirement, the respondents have issued Article of Charges vide proceedings dt.21.02.2015 and because of pendency of Article of

Charges, the respondents are not releasing the pension and pensionary benefits. The petitioner further contends that despite lapse of more than four years, the disciplinary authority has not concluded the disciplinary proceedings initiated against him and the ground of pendency of disciplinary proceedings, the respondents are not paying pension and pensionary benefits to him.

Learned counsel for the petitioner contends that as per the Rules, admittedly, the disciplinary authority has to conclude the disciplinary proceedings in respect of major charges within a period of six months, but despite lapse of more than four years, the disciplinary authority has not concluded the disciplinary proceedings. Therefore, he contends that appropriate orders be passed in this writ petition directing the disciplinary authority to conclude the disciplinary proceedings initiated against the petitioner on 21.02.2015 within a reasonable period, preferably within a period of four months, failing which, the respondents may be directed to release all the terminal benefits including pension and pensionary benefits by declaring that the disciplinary proceedings initiated against the petitioner are deemed to have been dropped.

Learned Government Pleader appearing for the respondents had contended that since the disciplinary proceedings initiated against the petitioner are pending, the respondents are not entitled to release the pension and

pensionary benefits and if reasonable time is granted, the disciplinary authority would conclude the disciplinary proceedings within a reasonable period of time.

This Court, having considered the rival submissions of the learned counsel appearing for the respective parties, is of the considered view that this writ petition can be disposed of directing the respondents to conclude the disciplinary proceedings said to have been initiated against the petitioner on 21.02.2015 within a period of four months from the date of receipt of a copy of this order, failing which, the respondents shall release the pension and pensionary benefits to the petitioner treating that the disciplinary proceedings initiated against the petitioner deemed to have been dropped.

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

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 28-11-2019
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