

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.28691 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 declaring the action of the respondents in not sanctioning full pension and other retirement benefits, such as gratuity, commutation, retirement leave salary etc., as illegal, arbitrary and against the principles of natural justice and violative of Articles 19, 20 and 21 of the Constitution of India, and sought a consequential direction to direct the respondents to sanction full pension and all retirement benefits to the petitioner without further delay.

Heard Sri P. Kiran, counsel for the petitioner, and the Government Pleader appearing for the respondents.

It has been contended by the petitioner that he has retired as Inspector of Police on 31.10.2015 and the respondents are not settling his pensionary benefits only on the ground that a criminal case i.e., Crime No.78 of 2018 of P.S. Nalgonda is pending against him.

Counsel for the petitioner contended that the action of the respondents in not settling the terminal benefits to the petitioner on the ground of pendency of criminal case, is an arbitrary exercise, therefore, contended that appropriate orders be passed in the writ petition directing the respondents to pay the pension, leave

encashment and gratuity to the petitioner with all consequential benefits.

Government Pleader appearing for the respondents had contended that the petitioner is facing criminal case and because of pendency of criminal case, the pension and other benefits are not being released to the petitioner. Government Pleader further contended that the case of the petitioner would be considered in terms of G.O.Rt.No.1097, Finance and Planning, dated 22.06.2000, and appropriate orders would be passed in accordance with law.

This Court, having considering the submissions of learned counsel for respective parties, is of the considered view that this writ petition can be disposed of directing the petitioner to submit a representation afresh to the respondents seeking pensionary benefits in terms of G.O.Rt.No.1097, dated 22.06.2000. Upon such a representation being received, the respondents shall consider the case of the petitioner and pass appropriate orders in accordance with G.O.Rt.No.1097, dated 22.06.2000, within a reasonable period of time, preferably within a period of eight weeks from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

30-12-2019

v v