

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.43551 of 2018

ORDER:

This writ petition is filed seeking a Writ of Mandamus, declaring the action of respondents in not paying full pension, gratuity, commutation and other retirement benefits duly revising the pay of the petitioner by regularizing the suspension period from 18.10.2010 to 16.06.2011 as eligible leave as per Rules by adding two annual grade increments for the years 2014 and 2015 due to the petitioner from the date of expiry of punishment period to the date of retirement, as arbitrary, illegal, without jurisdiction and violative of Articles 14, 21 and 300-A of the Constitution of India and sought consequential directions directing the respondents to pay the same along with arrears towards difference of pay and pension along with interest @ 18%.

Heard Sri S.Rahul Reddy, counsel for petitioner and the Government Pleader for Services-I, appearing for respondents.

It has been contended by the petitioner that he was initially appointed as Special Teacher at Primary School, Bollakpally on 17.08.1985. Thereafter, he was promoted as Secondary Grade Teacher (SGT) and further promoted as School Assistant. The petitioner further contend that while he was working as School Assistant at Tirumanpally, the petitioner was placed under suspension on certain allegations, on 18.10.2010. The petitioner further submits that the disciplinary authority has initiated disciplinary proceedings and the petitioner was reinstated into service on 16.06.2011. Counsel for petitioner further contend that

the disciplinary authority had imposed a major penalty of withholding of three annual grade increments with cumulative effect, vide proceedings dated 20.11.2013. Counsel for petitioner further submits that the petitioner has attained the age of superannuation and retired from service on 30.06.2015. The grievance of the petitioner is that though the petitioner has retired from service on 30.06.2015, the respondents have not settled the terminal benefits of the petitioner on the ground that the suspension period from 18.10.2010 to 16.06.2011 has not been regularized as per Rules and contend that appropriate orders be passed in the writ petition directing the respondents to release the terminal benefits of the petitioner expeditiously by directing the respondents to regulate the suspension period from 18.10.2010 to 16.06.2011 as eligible leave.

The learned Government Pleader appearing for respondents contend that proposals have been submitted by the 3rd respondent in respect of regularizing the suspension period from 18.10.2010 to 16.06.2011 and appropriate orders will be passed in accordance with Rules and pensionary benefits would be released in accordance with Rules within reasonable period of time.

This Court, having considered the rival submissions of the parties, is of the considered view that since the respondents are bound to pass some orders in accordance with Rule 54 of the Fundamental Rules in respect of suspension period and release the pensionary benefits to the petitioner, this Court is of the considered view that this writ petition can be disposed of directing the respondents to regularize the suspension

period of petitioner in accordance with Rules and further direct the respondents to release the pensionary benefits of the petitioner in accordance with Rules within a period of six weeks from the date of receipt of a copy of this order. The issue whether the petitioner is entitled for interest for the delayed payment of retiral benefits, is left open and it is always open for the petitioner to agitate the same in appropriate proceedings.

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

Pending miscellaneous applications, if any, shall stand closed.

2nd January, 2019

ajr

ABHINAND KUMAR SHAVILI, J

