

**HON'BLE THE CHIEF JUSTICE SRI THOTTATHIL B. RADHAKRISHNAN
AND
HON'BLE SRI JUSTICE A.RAJASHEKER REDDY**

WRIT PETITION No.40692 OF 2017

ORDER (Per the Hon'ble the Chief Justice Sri Thottathil B. Radhakrishnan)

Heard learned counsel for the petitioner and the learned advocates for the respondents.

2. The petitioner retired from service of the Andhra Pradesh Legislature Secretariat on 31.07.2010. On 20.12.2012, Ex.P.10, G.O.Ms.No.91 was issued sanctioning 75% of the normal pension and thereby retaining 25% of the pension with effect from 01.08.2010 pending finalization of disciplinary proceedings. No disciplinary action was initiated against the petitioner during the currency of his service, i.e., before superannuation. However, Ex.P.10 shows the proposal to initiate disciplinary proceedings. Such disciplinary proceedings cannot be carried forward indefinitely. If there is any loss caused to the Government on account of the commissions or omissions of the retired Government servant concerned, it will be open to the Government to initiate appropriate action for recovery in terms of the Revenue Recovery Act or for prosecution in terms of the penal laws. The loss caused would be available only on appropriate quantification of such loss. There is no material on behalf of the respondents to show that the disciplinary proceedings having been concluded till now or that any action for revenue recovery having been taken even by now, there is no foundation to withhold any part of the pension of the petitioner. Hence, Ex.P.10 - G.O.Ms.No.91, dated 20.12.2012 is liable to be quashed.

3. In the result, the writ petition is allowed and Ex.P.10 is quashed. Consequently, it is directed that appropriate authority among the respondents shall release all such pensions within a period of one month from the date of receipt of a copy of this order; the obligation of the respondent concerned to be reckoned in terms of the provisions of the Andhra Pradesh Reorganisation Act, 2014.

Pending miscellaneous petitions, if any, shall stand closed.
There shall be no order as to costs.

THOTTATHIL B. RADHAKRISHNAN, CJ

A.RAJASHEKER REDDY, J

27.02.2019
kvni/pln

