

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.515 OF 2020

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 directing the respondents to take final decision on the enquiry report submitted by the Enquiry Officer during December, 2017 and release all retiral benefits of the petitioner immediately by declaring their inaction in this regard as perverse, arbitrary, illegal and violative of Articles 14, 16 and 21 of the Constitution of India.

Heard learned counsel for parties.

It has been contended by the petitioner that he has retired from service on 30.09.2015 and the respondents are not settling his terminal benefits and pensionary benefits on the ground that the disciplinary proceedings are pending against the petitioner. The petitioner further contended that the Enquiry Officer had conducted enquiry and submitted report in December, 2017 and in spite of lapse of two years from the date of submission of the enquiry report, the respondents are neither concluding the disciplinary proceedings nor releasing the pension and pensionary benefits to him.

Counsel for the petitioner contended that since the petitioner has already retired from service, it is the 1st respondent who must conclude the disciplinary proceedings initiated against the petitioner. Therefore, the counsel for the petitioner contended that appropriate

orders be passed in the writ petition directing the 1st respondent to conclude the disciplinary proceedings initiated against the petitioner within a reasonable period of time, preferably within four months, failing which the respondents be directed to release the pension and pensionary benefits in favour of the petitioner.

Government Pleader appearing for the 1st respondent has informed the Court that the 1st respondent would conclude the disciplinary proceedings initiated against the petitioner within a reasonable period of time, preferably within four months from the date of receipt of a copy of this order.

This Court, having considered the rival submissions of learned counsel for respective parties, is of the considered view that this writ petition can be disposed of directing the 1st respondent to conclude the disciplinary proceedings said to have been initiated against the petitioner within a reasonable period of time, preferably within four months from the date of receipt of a copy of this order. If the disciplinary proceedings are not concluded within four months, the petitioner is entitled for pension and pensionary benefits.

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

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J