

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.2921 OF 2019

DATED :25.02.2020

Between :

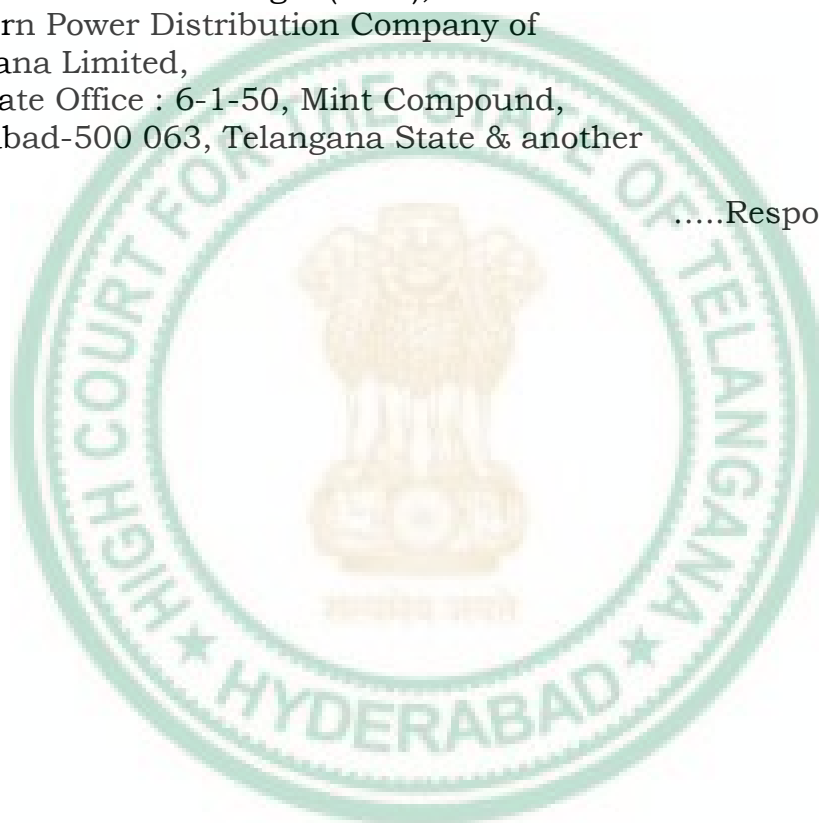
S. Ram Reddy S/o.Late Shiva Reddy,
Age : 60 yrs, Occu : Line Inspector (Retired),
R/o.H.No.17-1473/35, Krishna Nagar Colony,
Saidabad, Hyderabad.

..... Petitioner

And

The Chief General Manager (HRD),
Southern Power Distribution Company of
Telangana Limited,
Corporate Office : 6-1-50, Mint Compound,
Hyderabad-500 063, Telangana State & another

.....Respondents



The Court made the following:

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.2921 OF 2019

ORDER :

Heard learned counsel for the petitioner and learned Standing Counsel for the respondent-Corporation.

2. Petitioner joined services of Southern Power Distribution Company of Telangana Limited, as helper and retired from service on attaining the age of superannuation with effect from 30.11.2016. This writ petition is filed alleging that petitioner is denied full pensionary and other retirement benefits to him, without any justification and the same would amount to colourable exercise of power.

3. In the counter affidavit, the 2nd respondent stated that they received complaint from one Smt.Sumathamma, claiming that she is the first wife of petitioner and that he contacted second marriage with Smt.Indira and was not looking after her. She also seem to have filed O.S.No.1 of 2015, in the Court of Principal Junior Civil Judge, Ibrahimpatnam, Ranga Reddy District, claiming that she should be declared as entitled to get her name recorded as nominee, in the service record of the petitioner. It appears, the said suit was dismissed on 15.12.2017. Responding to the alleged complaint given by Smt Sumathamma, only 75% of the pension was released to the petitioner, with-holding 1/4th of the pension payable to him and other retirement benefits were not paid. It appears, 75% of pension was paid by referring to Rule 52 (1) (a) of the Revised Pension Rules, 1980 (for short 'the Rules'). Though there is reference to alleged complaint made by Smt.

Sumathamma, the counter affidavit is silent as to whether any disciplinary action was taken against the petitioner, while he was in service. Rule 52 (1) (a) of the Rules, would attract only in case where disciplinary proceedings are already initiated/pending or criminal proceedings are initiated/pending. Until and unless departmental proceedings/criminal proceedings are initiated and pending, retirement benefits cannot be denied. In the absence of initiation of disciplinary action on the alleged complaint of contracting second marriage, by the employee, and merely because there are inter se disputes among the family members, cannot be a ground to with-hold the retirement benefits. Thus, the action of respondents in with-holding the retirement benefits is ex-facie illegal.

4. Accordingly, the Writ Petition is allowed and directions are issued to the respondents to settle all the retirement benefits, within a period of eight (8) weeks from the date of receipt of copy of this order. However, there is no expression of opinion on inter se disputes among the family members of petitioner and if Smt.Sumathamma has any claim against the petitioner, it is open to her to work out her remedies. Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO,J

25th February, 2020
Rds