

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 3025 of 2020

Date : 13.2.2020

Between:

M Meeraiah S/o Karunakar aged about 59 years Sub
Registrar Retd O/o Mallial Jagitial District Erstwhile
Karimnagar District

Petitioner

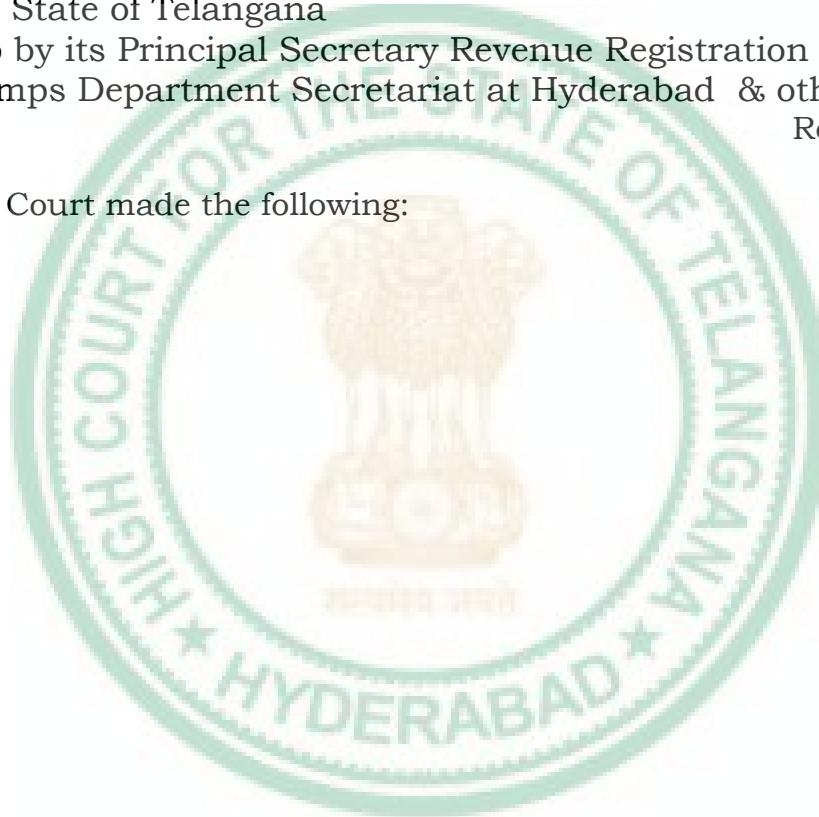
And

The State of Telangana

Rep by its Principal Secretary Revenue Registration and
Stamps Department Secretariat at Hyderabad & others

Respondents

The Court made the following:



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ORAL ORDER:

Heard learned counsel for petitioner and learned Government Pleader for Services-II.

2. Petitioner retired from service on attaining the age of superannuation on 30.9.2019. In this writ petition, petitioner is challenging the charge memo issued to petitioner dated 7.8.2018 while he was in service. Petitioner challenges charge memo primarily on the ground that for an incident took place in the year 2013, respondents responding to a newspaper report published on 4.11.2016, issued the charge memo on 7.8.2018, therefore there is inordinate delay in initiation of disciplinary proceedings. He would further submit that there is no further progress in the disciplinary proceedings and petitioner is not paid provisional pension.

3. It is not placed on record as to when competent authority came to know with regard to alleged illegalities, therefore, it cannot be said that there was inordinate delay in initiation of disciplinary proceedings. Initiation of disciplinary proceedings, based on the reporting of the newspaper, is not a ground to hold that there is inordinate delay. Further more, merely because there is delay in initiation of disciplinary proceedings, said proceedings cannot gets vitiated automatically. Thus, the issue of delay and causing of prejudice are matters which require consideration during the course of enquiry and subsequently before the disciplinary authority. It is always open to

the petitioner to raise the pleas as available to him in law, therefore, at this stage, Court is not inclined to hold the charge memo as illegal.

4. However, there is merit in the contention of the learned counsel for petitioner that proceedings cannot be kept pending for long time and respondents cannot deny payment of provisional pension. In view thereof, writ petition is disposed of directing the disciplinary authority to conclude the disciplinary proceedings in all respects as expeditiously as possible preferably within a period of six months from the date of receipt of copy of this order. Respondents are further directed to forthwith release the provisional pension payable to the petitioner from the date of retirement and continue to pay the same till disciplinary proceedings are concluded. No costs. Miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

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