

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

TUESDAY, THE FOURTEENTH DAY OF JULY
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION NO: 7411 OF 2020

Between:

K.S.R.Swarny s/O. Tamminiraju, Retired E.O. Panchayat Raj and Rural Development Department, R/o H.No.202, Peral Heights, Altapur, Hyderabad.

...PETITIONER

AND

1. The State of Telangana. Rep by its Special Chief Secretary, Panchayat Raj and Rural Development Department, Secretariat, Hyderabad.
2. The Commissioner, Panchayat Raj and Rural Employment, Himayathnagar, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ order or direction especially one in the nature of writ of mandamus

a) declaring that action of the respondents in not making payment of pension and pensionary benefits to the petitioner in pursuance of G.O.Rt.No.258, dated.30/03/2016 and in pursuance of his retirement from service dated.31/05/2014 as illegal and arbitrary violating Article 14 and 16 of the Constitution of India.

b) declare that the 1st respondent shall take immediate action in the matter in pursuance of Lr.No.13921/CPR&GRE/E2/2007, dated.21/2/2018 addressed by 2nd respondent.

c) declare that petitioner is entitled for payment of pension and pensionary benefits in pursuance of G.O.Rt.No.258, dated. 30/03/2016.

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the 1st respondent to forthwith pass appropriate orders in the matter in pursuance of Lr.No.13921/CPR&RE/E2/2007, dated. 21/2/2018 of the 2nd respondent pending disposal of the Writ Petition

Counsel for the Petitioner: SRI SRINIVASA RAO MADIRAJU

**Counsel for Respondents: GP FOR PANCHAYAT RAJ &
RURAL DEVELOPMENT**

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.7411 OF 2020

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Panchayat Raj and Rural Development for the respondents.

2. Petitioner originally belongs to Cooperative Department. He was sent on deputation as Extension Officer, Panchayat Raj and Rural Development Department, and later posted as Mandal Cooperative Rural Development Officer. While he was on deputation, charges were drawn on 22.07.2008, but the said charge memo was not served on the petitioner. It appears, petitioner was repatriated to Cooperative Department in the year 2004, but he was not admitted in the Cooperative Department. Petitioner was neither working in the Cooperative Department nor in the Panchayat Raj Department till he attained the age of superannuation. Therefore, the charge memo could not be served on him. On 30.03.2016, G.O.Ms.No.258, Panchayat Raj and Rural Development (PTS VII) Department, dated 30.03.2016, was issued absorbing the petitioner and others in the Panchayat Raj Department. On 25.04.2016, the charge memo was communicated to the petitioner. There is no further progress in the disciplinary proceedings. Alleging that the disciplinary proceedings are not concluded and pensionary benefits are not paid to the petitioner, this writ petition is filed.

3. From the material on record, it is apparent that there was correspondence between the Government, Commissioner, District

Collector and the District Panchayat Officer on the issue of conclusion of the disciplinary proceedings, but so far they are not concluded. The Government vide Memo dated 30.06.2016, directed the District Panchayat officer, Khammam, to submit detailed report with reference to the disciplinary action taken against the petitioner and also furnish remarks on the representation of the individual. In response to the said directions of the Government, the District Panchayat Officer submitted his report on 08.02.2017 to the Commissioner, Panchayat Raj and Rural Development, and the Commissioner, in turn, submitted his report dated 21.02.2018.

4. Learned counsel for the petitioner alleges that there is no further progress after submission of the said report and for no fault of the petitioner, his retirement benefits are not paid and is not even getting provisional pension.

5. Learned Government Pleader submits that the District Panchayat Officer is taking steps to complete the disciplinary proceedings in response to the directions issued by the Commissioner. He would submit that since there is some dispute on the issue of absorption, the provisional pension of the petitioner is not paid.

6. Having regard to the fact that petitioner is an employee of the Government and was retired from service on 31.05.2014, I see no justification in denying provisional pension. Even if disciplinary proceedings are validly initiated and pending, the employee is entitled to provisional pension. Further, even if there is some dispute regarding absorption and regularization of certain

period of service, Pension Rules enable granting anticipatory pension. Thus, I see no justification in denying anticipatory pension or provisional pension. I also see no justification in delay in concluding the disciplinary proceedings causing lot of hardship and suffering to a retired employee.

7. However, with the consent of learned counsel for the petitioner and learned Government Pleader, the writ petition is disposed of with the following directions:

- i) The respondent - Government is directed to finalize the disciplinary proceedings, pursuant to the charge memo dated 22.07.2008, duly taking note of the report submitted by the Commissioner, Panchayat Raj and Rural Development, dated 21.02.2018, as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order.
- ii) The respondents are directed to pay provisional pension as per Rule 52 of the Revised Pension Rules including arrears within a period of six weeks from the date of receipt of a copy of this order.

Miscellaneous Petitions, if any, shall stand closed.

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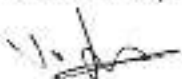
SD/- B. SATYAVATHI
ASSISTANT REGISTRAR


SECTION OFFICER

To,

1. The Special Chief Secretary, Panchayat Raj and Rural Development Department, State of Telangana Secretariat, Hyderabad.
2. The Commissioner, Panchayat Raj and Rural Development, Himayathnagar, Hyderabad.
3. One CC to Sri Srinivasa Rao Madiraju Advocate [OPUC]
4. Two CCs to Panchayat Raj & Rural Development, High Court for the State of Telangana (OUT)
5. Two CD Copies

MBC



HIGH COURT

DATED: 14/07/2020

ORDER

WP.No.7411 of 2020



DISPOSING OF THE WRIT PETITION

WITHOUT COSTS

⑦
VLW
29/7/20