

THE HONOURABLE SRI JUSTICE E.V.VENUGOPAL

WRIT PETITION No.27636 of 2019

ORDER:

1. This Writ Petition is filed under Article 226 of the Constitution of India, seeking the following relief:

“... issue appropriate Writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the inaction of the 2nd Respondent in not conducting inquiry for unreasonable and abnormal period of more than 7 years (4 years before retirement + 3 years after retirement) though Charge Memo by way of G.O.Rt.No.1047 Agriculture and Cooperation (VIG.II) Department Dated 20/09/2012 was issued and had three Inquiry Officers changed and drawing only provisional pension of 75 % and which is not catering the needs of regular and medical needs of senior citizens AND pending pensionary benefits like Gratuity worth of 12,00,000/- (Twelve Lakhs Rupees only), Commutation of pension about Rs 21,15,250/- (Twenty one lakh fifteen thousand two hundred and fifty rupees only) Group Insurance for about Rs 1,00,000/- (One Lakh Rupees only) as illegal, unreasonable against the principles of natural justice and violative of Art 14, 15 and 16 of the Constitution of India and consequently direct the respondents to set aside the Charge Memo Dated 20/09/2012 on the ground of the inordinate delay of 7 years in concluding departmental inquiry proceedings and pay all consequential pension benefits forthwith OR OTHERWISE expedite the inquiry process and complete it in a reasonable period of time from now as per the G.O.Ms.No.679 General Administration (Services-c) Department Dated 01/11/2008 and pass...”

2. Learned counsel for the petitioner vehemently submits that departmental proceedings were initiated against the writ petitioner vide G.O.Rt.No.1047, dated 20.09.2012 with imputation of three charges against the petitioner.

3. Learned counsel further submits that though more than Ten (10) years have been elapsed from the date of framing of charges still the disciplinary proceedings are not concluded thereby causing sufferance to the writ petitioner by holding 25% of the balance pension along with commutation of pension as well as gratuity to be paid to the writ petitioner. He further submits that the respondents have not followed the procedure contemplated as per G.O.Ms.No.679 General Administration (Services-C) Department, dated 01.11.2008. He further submits that the writ petitioner after attaining the age of superannuation he is suffering with old age problems and being the senior citizen he is facing financial difficulty and therefore seeks to pass appropriate directions to the respondents to release the pension of the writ petitioner.
4. On the other hand, learned Assistant Government pleader Mr. Konda Reddy submits that G.O.Rt.No.1047, dated 20.09.2012 was issued to conduct departmental proceedings against the writ petitioner and Articles were framed against the writ petitioner for not following the procedure involved in issuing the 02 to 16 cheques in a single day pertaining to a single M.I company without there being any sanction from the

District Collector as contemplated under Rules leading to gross violation of the stated Rules. Therefore, submits that the enquiry proceedings are still not concluded and the written statement submitted by the writ petitioner on 13.10.2012 is also not in accordance with law accordingly vide Memo No.9649/Vig.II(2)2012-3, Agriculture & Cooperation (Vig.II) Department dated 07.06.2013, the enquiry officer was directed to complete the disciplinary proceedings.

5. Learned Assistant Government Pleader submits that one other Memo.No.9649/Vig.1/2012, Agriculture & Cooperation (Vig.) Department, dated 10.11.2014 was also issued appointing the enquiry officer to hold the enquiry on the charges framed against the writ petitioner and in continuation of which one other Memo No.9649/Vig.1/2012, Agriculture & Cooperation (Vig.) Department, dated 13.10.2016 was also issued appointing one other enquiry officer by replacing the earlier officer by appointing an I.A.S officer Sri. M. Veerabrahmaiah to hold detailed enquiry in to the charges framed against the writ petitioner.
6. Learned Assistant Government Pleader further submits that 75% of the pension is being paid in terms of Rules in Force

and the writ petitioner was allowed to retire vide G.O.Ms.No.7 Agriculture & Cooperation (Horti. & Seri.) Department, dated 18.01.2016 accordingly the writ petitioner retired on 31.10.2016 he was paid 75 % of the salaries and the rest of the benefits are withhold in view of pendency of the disciplinary proceedings.

7. He further submits quite recently one other Memo No.9649/ A & C/Vig./A1/2012, dated 17.11.2022 had also been issued to appoint an enquiry officer in place of Sri. M. Veerabrahmaiah, I.A.S since retired and in view pending enquiry, the case of the writ petitioner was not considered.
8. In view of the submissions made by both the counsels and upon verification of the facts and circumstances of the case, that the enquiry proceedings are pending for more than Ten (10) years by appointing enquiry officers one after the other right from 20.09.2012 after issuing G.O.Rt.No.1047, this Court is inclined to direct the respondents to conclude the disciplinary proceedings and take appropriate action in accordance with law, against the writ petitioner in terms of G.O.Ms.No.679 General Administration (Services-C) Department, dated 01.11.2008 as expeditiously as possible,

preferably, within eight (08) weeks from the date of receipt of the copy of this Court's order failing which to release the balance pensionary benefits to the petitioner as per his entitlement.

9. Accordingly, the writ petition is disposed of. There shall be no order as to costs.

Miscellaneous application, if any pending, shall stand closed.

No order as to costs.

JUSTICE E.V.VENUGOPAL

Date:25.01.2023.
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