

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

**TUESDAY, THE TWENTY FOURTH DAY OF JANUARY
TWO THOUSAND AND TWENTY THREE**

PRESENT

**THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND
THE HON'BLE SRI JUSTICE PULLA KARTHIK**

WRIT PETITION NO: 8632 OF 2009

Between:

K.Brahmaiah, S/o.Chandraiah, 66 years, District Treasury Officer (Retired)
R/o.H.No.4-17, Uthkur Village, Luxxettipet Adilabad District.

...PETITIONER

AND

1. The Government of Andhra Pradesh, rep. by its Secretary, Finance (Admn. I Vig.) Department, Secretariat, Hyderabad.
2. The Director of Treasuries & Accounts, Andhra Pradesh, 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 particularly one in the nature of Writ of Certiorari after calling for the records pertaining to the Order in OA.No.2343/2008 dated 23.03.2009 on the file of the Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad and quash the same.

I.A. NO: 1 OF 2009(WPMP. NO: 11300 OF 2009)

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 respondents to release all arrears of petitioner's full pension and other retiral benefits viz., gratuity, encashment of leave, commuted value of pension pending disposal of the Writ Petition.

Counsel for the Petitioner: SRI M. SRIKANTH

Counsel for the Respondents: GP FOR SERVICES-I

The Court made the following: ORDER

**THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND
THE HON'BLE SRI JUSTICE PULLA KARTHIK**

WRIT PETITION No.8632 OF 2009

ORDER: (per AKS,J)

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner aggrieved by the order, dated 23.03.2009, passed in O.A.No.2343 of 2008 by the Administrative Tribunal at Hyderabad (for short, 'the Tribunal').

2. Heard Sri M. Srikanth, learned counsel for the petitioner and the learned Government Pleader for Services-I appearing for the respondents.

3. Learned counsel for the petitioner had contended that the petitioner is a retired District Treasury Officer. He retired from service on 29.02.2000. As disciplinary proceedings were pending against him, his pension and pensionary benefits were not released and a regular inquiry was conducted. The Inquiry Officer submitted the Inquiry Report, dated nil-11-2000, holding that the charges were not proved. In spite of holding that the charges were not proved, the respondents have issued a show-cause notice on 17.12.2003

proposing to impose punishment of withholding pensionary benefits in terms of Rule 9 of the Revised Pension Rules. Aggrieved by the same, the petitioner approached the Tribunal by filing O.A.No.253 of 2005 and the Tribunal, *vide* order, dated 09.07.2007, was pleased to set aside the said show-cause notice. In spite of the said order, dated 09.07.2007, the respondents are not concluding the disciplinary proceedings said to have been initiated against the petitioner way-back in the year 1999 i.e., even after lapse of 2 ½ decades, and the petitioner is not receiving the regular pension and pensionary benefits, however, the petitioner is being paid the provisional pension. In those circumstances, the petitioner has again approached the Tribunal by filing the subject O.A. seeking a direction to release the pensionary benefits by duly concluding the disciplinary proceedings initiated against him, but the Tribunal *vide* impugned order, dated 23.03.2009, dismissed the subject O.A., without considering any of the contentions raised by the petitioner.

4. Learned counsel for the petitioner further contended that though the learned Government Pleader appearing for the respondents had contended that the disciplinary proceedings were

not concluded on the ground that a criminal case viz., C.C.No.25 of 2015 on the file of learned Special Judge for ACB Court, Karimnagar, is pending against the petitioner, the said criminal proceedings have nothing to do with the disciplinary proceedings. The respondents have already conducted regular inquiry and the Inquiry Officer submitted his report way-back in the year 2003. Therefore, appropriate orders be passed in the Writ Petition by directing the respondents to conclude the disciplinary proceedings said to have been initiated against the petitioner way-back in the year 1999.

5. On the other hand, the learned Government Pleader appearing for the respondents had contended that the criminal case is coming up for trial and the disciplinary proceedings would be concluded after conclusion of the criminal case. Learned Government Pleader had further drawn our attention to G.O.Rt.No.3442, dated 22.09.2009, wherein the State Government has taken a decision that further action in the disciplinary proceedings may be taken after conclusion of the criminal proceedings against the Charged Officers.

6. This Court, having considered the rival submissions made by the learned counsel for the parties, is of the view that the petitioner

has retired from service on 29.02.2000 and the Inquiry Officer had submitted his report way-back in the year 2003 and in spite of lapse of two decades, the respondents are not concluding the disciplinary proceedings initiated against the petitioner on the ground that a criminal case is pending against him. The criminal proceedings are independent proceedings and it has nothing to do with the disciplinary proceedings. As the disciplinary proceedings initiated against the petitioner are not being taken to its logical conclusion, in spite of the fact that the Inquiry Officer has submitted his report and the disciplinary proceedings are independent proceedings which have no connection with the criminal proceedings, this Court is of the considered view that it would be appropriate to direct the respondents to conclude the disciplinary proceedings initiated against the petitioner way-back in the year 1999, expeditiously.

7. Therefore, the respondents are directed to conclude the disciplinary proceedings initiated against the petitioner within a period of three (3) months from the date of receipt of a copy of this order, without waiting for conclusion of the criminal case pending against the petitioner, failing which, the disciplinary proceedings

initiated against the petitioner shall stand lapsed. Thereafter, the respondents are directed to release the pension and pensionary benefits of the petitioner, without waiting for conclusion of the criminal case pending against him. If the petitioner is convicted in the criminal case, automatically the pension and other benefits would be stopped, as per Rules.

8. With the above observations/directions, the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

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SD/- T. JAYASREE
ASSISTANT REGISTRAR
&
SECTION OFFICER

To,

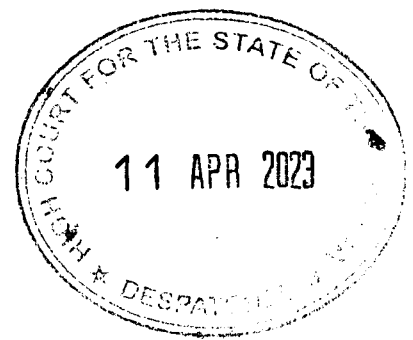
1. The Secretary, Finance (Admn. I Vig.) Department, Government of Andhra Pradesh, Secretariat, Hyderabad.
2. The Director of Treasuries & Accounts, Andhra Pradesh, Hyderabad.
3. One CC to SRI M. SRIKANTH, Advocate [OPUC]
4. Two CCs to GP for Services-I, High Court for the State of Telangana at Hyderabad [OUT]
5. Two CD Copies.

MP
GJP

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HIGH COURT

DATED:24/01/2023



ORDER

WP.No.8632 of 2009

**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

BS

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21/3/23

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21/3/23