

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

FRIDAY, THE SECOND DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

**THE HON'BLE SRI JUSTICE PULLA KARTHIK
WRIT PETITION NO: 197 OF 2024**

Between:

M. Damodhar Reddy, S/o M. Laxma Reddy, Retd. Tahsildar, O/o. Tahsildar, Marriguda Mandal, Nalgonda Dist., R/o H. No. 3-45, Kapilanagar, Hydersha Kote, Gandipet (M), Ranga Reddy Dist.

Petitioner

AND

1. The State of Telangana, rep. by its Principal Secretary, Revenue Department, Secretariat, Hyderabad.
2. The Commissioner of Land Administration, Nampally, Hyderabad.
3. The District Collector, Ranga Reddy District, Khairatabad, Hyderabad.
4. The District Collector, Medchal-Malkajgiri District.

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 an appropriate Writ, Order or direction, more particularly one in the nature of a Writ of Mandamus to declare the action of the respondents in initiating and continuing the departmental proceedings vide Memo No. 6780/Vig.VI(2)/2004-6 dated 15.11.2006 and Charge Memo issued vide proceedings No. A3/1668/2004 dated 23.02.2007 (incident pertaining to the year 2002-2004) and the action of the respondents in not paying full pension and terminal benefits and also not settling the salary during the suspension period, increments during suspension period and also updated revised pay scales despite no financial loss caused to the Government, even after more than 17 years from the date of initiation of disciplinary proceedings, inspite of the fact that the petitioner was allowed to retire on attaining the age of superannuation on 31.1.2013 as being arbitrary, illegal, unjust, without any authority of law amounting to abuse of process of law and in violation of Articles 14, 16 and 21 of the Constitution of India, besides being violative of principles of rule of law and opposed to all principles of canons of norms of law and justice and set aside the same and consequently direct the respondents to release and pay full pension and retiral benefits including balance salary during suspension period, increments during suspension period, commutation of pension, retirement gratuity with penal interest of 18% from the date of retirement to till the date of actual payment;

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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 pay full pension, gratuity, commutation of pension and other service benefits etc, by suspending the Charge Memo issued vide proceedings No. A3/1668/2004 dated 23.02.2007, Pending disposal of WP 197 of 2024, on the file of the High Court;

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri D Linga Rao Advocate for the Petitioner and GP FOR SERVICES II for the Respondents, the Court made the following.

ORDER:

Notice before Admission.

Learned Government Pleader for Services – II takes notice on behalf of respondent Nos.1 to 4, waives further notice and seeks time for filing counter.

Registry is directed not to take out notice to respondents in view of this waiver.

Learned counsel for the petitioner submits that Charge Memo, dated 23.02.2007 was issued against the petitioner for the incident alleged to have occurred in the year, 2004. Further, the petitioner was retired from services on 31.01.2013 on attaining the age of superannuation and even after his retirement, the respondents are not paying full pension to the petitioner on the ground of pendency of disciplinary proceedings. Therefore, learned counsel prayed this Court to suspend the Charge Memo, dated 23.02.2007.

Learned Government Pleader for Services – II, on instructions, submits that the Enquiry Officer, who was appointed on 18.02.2008, was retired from services, therefore, another Enquiry Officer was appointed on 19.04.2017 to conduct enquiry and the enquiry is going on.

In view of the submissions made by the learned counsel for the respective parties, there shall be interim suspension of the Charge Memo, dated 23.02.2007.

Post on 01.03.2024 for counter.

SD/- A.V.S.PRASAD
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Revenue Department, State of Telangana, Secretariat, Hyderabad.
2. The Commissioner of Land Administration, Nampally, Hyderabad.

3. The District Collector, Ranga Reddy District, Khairatabad, Hyderabad.
4. The District Collector, Medchal-Malkajgiri District.
(Addresses 1 to 4 by RPAD)
5. One CC to Sri D Linga Rao Advocate [OPUC]
6. Two CCs to GP FOR SERVICES II, High Court at Hyderabad. [OUT]
7. One spare copy

HIGH COURT

PK, J

DATED:02/02/2024

**NOTE: POST ON 01.03.2024
FOR COUNTER.**

ORDER

WP.No.197 of 2024

INTERIM SUSPENSION

