

HON'BLE SRI JUSTICE U. DURGA PRASAD RAO

Writ Petition No.8865 of 2001

ORDER:

In this writ petition, the petitioner challenges the action of respondent No.4 in issuing Memo No.DEE/O/Gnt/Ad.C2/D.No.3694/97 dt:19.12.1998 treating the suspension period i.e, 12.02.1992 to 02.08.1996 as leave, as illegal, arbitrary and violative of Art.14 and 21 of the Constitution and for consequential direction to respondents to consider the representation made by the petitioner on 23.02.2001 and pay him the full salary for the suspension period treating the said period as on duty.

2) The petitioner's case is that he was appointed as helper under the respondent in Division No.3 at Guntur and subsequently he was promoted as Assistant Lineman on 01.08.1987 in the same place and he was given the promotion as lineman on 01.08.1989. His further case is that he was falsely implicated in a criminal case and was suspended on 12.02.1992. The petitioner fought the Sessions Case No.136/1994 on the file of I Additional Assistant Sessions Judge, Vijayawada and after due trial, the case ended in acquittal and as a consequence he was recommended to service on 03.08.1996. Thereafter he made several representations to the respondents herein to pay salary during the period of his suspension i.e, from 12.02.1992 to 02.08.1996. However, no action was taken by the respondent authorities. Through the impugned memo No.DEE/O/Gnt.Ad. C2/D.No.3694/97 dt:19.12.1998, the respondent authorities made it clear that his suspension period i.e, from 12.02.1992 to 02.08.1996 was treated as leave, which is illegal, arbitrary and violative of Articles 14 and 21 of the Constitution of India.

Hence, the present writ petition.

3) Today when the matter came up for hearing, there is no representation for petitioner. A perusal of the copy of the judgment dt:24.06.1996 in Sessions Case No.136/1994 passed by the I

Additional Assistant Sessions Judge, Vijayawada would show that the petitioner and two others were acquitted of the charges under Sec.498-A and Sec.306 of I.P.C.

4) In these circumstances, this writ petition is disposed of with a direction to the petitioner to make a representation to respondent authorities to consider his case within four(4) weeks from the date of this order and on such representation, the authorities shall consider his case and pass an order on merits within two(2) months thereof.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

U.DURGA PRASAD RAO, J

Date: 20.11.2015

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