

THE HON'BLE SRI JUSTICE K.C.BHANU

AND

THE HON'BLE MRS JUSTICE ANIS

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WRIT PETITION No.14116 OF 2015

ORDER:- (per Hon'ble Sri Justice K.C.Bhanu)

This writ petition is filed challenging the order, dated 20.2.2015, in O.A.No.5695 of 2014 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad (for short, "the Tribunal").

2. Respondent No.1 herein/applicant filed the aforementioned Original Application before the Tribunal to declare the action of the petitioners herein in cancelling his selection for the post of Stipendary Cadet Trainee Sub Inspector (Civil) by issuing the memorandum in R.C.No.153/E1-Rect./HR/2014, dated 15.9.2014, by petitioner No.1 herein on the ground that he is involved in a criminal case and convicted by the Court without issuing a notice or opportunity and without considering the gravity of offence and involvement of *mens rea* as illegal and arbitrary, and consequently, to set aside the said memorandum with a consequential direction to send him for training for the post of SCT Sub Inspector (Civil) as per the selection list in the interest of justice.

3. The Tribunal, upon considering the material on record, allowed the aforementioned Original Application. Challenging the same, the Government filed the present writ petition.

4. Heard both sides.

5. The factual matrix is not in dispute. It is not in dispute before this Court that the applicant was involved in Crime No.47 of 2013 of Kamalapur Police Station, Karimnagar District for the offences punishable under Sections 337 and 338 I.P.C. and Sections 181 and 196 of the Motor Vehicles Act, 1988 (for short, "the Act"). After completion of the investigation, police filed the charge sheet, which was numbered as C.C.No.724 of 2013 on the file of the Additional Judicial First Class Magistrate, Huzurabad and in the said criminal case, the applicant was convicted and sentenced to pay a fine of Rs.3,000/-. In view of fine imposed by the competent criminal Court, his selection was cancelled by petitioner No.1 herein vide proceedings in memorandum, dated 15.9.2014. Challenging the same, the applicant filed the aforementioned Original Application.

6. Learned Government Pleader for Services-I (Telangana) appearing for the petitioners herein contended that the applicant was convicted and sentenced to pay a fine of Rs.3,000/- in C.C.No.724 of 2013 on the file of the Additional Judicial First Class Magistrate, Huzurabad; that though the fine was reduced to Rs.1,500/- by this Court by order, dated 20.11.2014, in Criminal Revision Case No.2264 of 2014, it amounts to moral turpitude and hence, he prays to set aside the impugned order.

7. The Tribunal placed reliance on a decision reported in **Pawan Kumar v. State of Haryana and another** wherein it is held that any fine imposed for an amount of Rs.2,000/- or less cannot be treated as conviction. The said ratio has been followed by this Court in W.P.No.33000 of 2014, dated 9.6.2014. Though initially the applicant was found guilty for the offences punishable under Sections 337 and 338 I.P.C. and Sections 181 and 196 of the Act and convicted in C.C.No.724 of 2013 on the file of the Additional Judicial First Class Magistrate, Huzurabad, the said conviction and sentence were challenged before this Court. This Court, in CrI.R.C.No.2264 of 2014, reduced the fine amount from Rs.3,000/- to Rs.1,500/- and that finding has become final. So, when the fine amount is less than Rs.2,000/-, it does not amount to moral turpitude so as to deny the selection of the applicant as a SCT Sub Inspector (Civil). Considering these aspects, the Tribunal rightly set aside the proceedings impugned before the Tribunal and directed the petitioners herein to send the applicant for training as per his original selection. So, that order does not suffer from any legal infirmities so as to call for interference of this Court. Hence, the Writ Petition is devoid of merit and is liable to be dismissed.

8. Accordingly, the Writ Petition is dismissed at the stage of admission. There shall be no order as to costs. Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

JUSTICE K.C.BHANU

JUSTICE ANIS

Date: 02.06.2015

AMD

THE HON'BLE SRI JUSTICE K.C.BHANU

AND

THE HON'BLE MRS JUSTICE ANIS

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DATE: 02.06.2015

AMD