

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Writ Petition No.3115 of 2015

Dated 06.10.2015

-

Between:

V.Goverdhan

... Petitioner

and

-

The English and Foreign Language University

Hyderabad, rep. by its Vice Chancellor and 2 others

...Respondents

Counsel for the petitioner: Mr.C.Srinivasa Baba

Counsel for the respondents: None appeared

The Court made the following:

Order:

This Writ Petition is filed for a Mandamus to direct all the respondents to consider the petitioner's representations,

dated 22-01-2014 and 02-01-2015.

I have heard the learned Counsel for the petitioner and perused the record.

Based on the departmental proceedings initiated against the petitioner, he was dismissed from the post of Mechanical Operator Grade- I, on 06-06-2009, by the respondents. Simultaneously, criminal proceedings were also launched against him. It is the pleaded case of the petitioner that the IV Additional Chief Metropolitan Magistrate, Nampally, Hyderabad, acquitted him *vide* judgment, dated 23-11-2013, in C.C.No.306 of 2007. Upon such acquittal, the petitioner is stated to have made representations on 22-01-2014 and 02-01-2015 for reconsidering the decision of the respondents and to reinstate him into service based on his acquittal in the Criminal Case. As the respondents have not responded to the said representations, the petitioner filed this Writ Petition.

The question whether the petitioner is entitled to reinstatement or not following his acquittal in Criminal Case depends upon whether the accusations and the evidence against the petitioner in both the departmental proceedings and the criminal proceedings are common and also whether the criminal Court has given the petitioner an honourable acquittal. A further question would also arise whether the employer is under legal obligation to reconsider its decision, if the petitioner was acquitted after the order of dismissal was passed. Since the relief claimed in this Writ Petition is confined only to disposal of the representations made by the petitioner, it is not necessary for this Court to adjudicate these aspects on merits. Therefore, without expressing any opinion on the petitioner's entitlement to reinstatement, respondent No.3 is directed to consider the petitioner's representations,

dated 22-01-2014 and 02-01-2015, and communicate his decision to the petitioner within two months from the date of receipt of this order.

Subject to the above directions, the Writ Petition is disposed of.

As a sequel to disposal of the Writ Petition, WPMP.No.4148 of 2015, filed by the petitioner for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 6th October, 2015

LUR