

THE HON'BLE SRI JUSTICE SANJAY KUMAR

-

WRIT PETITION No.36591 of 2015

ORDER:

This writ petition was filed assailing the Memo dated 28.10.2015 issued by the Principal Secretary to the Government, Home (Legal) Department, Government of Telangana, the 1st respondent, whereby the representation dated 06.10.2015 made by the petitioner for extension of his parole was rejected.

Smt. S.Nanda, learned counsel for the petitioner, contended that the impugned Memo was liable to be set aside on the short ground that it is completely bereft of reasons. She pointed out that the petitioner had approached this Court aggrieved by a similar rejection of his request for extension of parole earlier in W.P.No.33640 of 2014 and a learned Judge of this Court allowed the said writ petition by order dated 05.12.2014. The said decision is reported in **Mohd. Irfan Ali, Convict No.3266 v. State of Telangana.**

Perusal of the aforestated decision reflects that the learned Judge found fault with the authority for not giving reasons as to why the request of the petitioner for extension of parole was rejected. Reference was made by the learned Judge to case law in support of the settled proposition that administrative authorities are required to record reasons and such requirement serve the salutary purpose of excluding arbitrariness and assuring fairness in the decision making process. The learned Judge accordingly set aside the unreasoned order of rejection passed in that case and remitted the matter to the Government for fresh consideration and to pass a reasoned order.

Perusal of the impugned Memo dated 28.10.2015 reflects that the Principal Secretary baldly summed up that the request of the petitioner for further extension of parole for four months was examined and rejected. No reasons whatsoever were spelt out as to why the petitioner's request warranted rejection. This terse and cryptic order therefore does not meet the requirement of law as was spelt out by this Court in the earlier round of litigation involving the petitioner himself. Notwithstanding the same, it appears that the Principal Secretary still remains unaware of what is

required of him while exercising power in the face of a request for extension of parole.

The impugned Memo dated 28.10.2015 is accordingly set aside and the matter is remitted back to the 1st respondent for consideration afresh of the petitioner's representation dated 06.10.2015. Needless to state, the consideration of the petitioner's request under the said representation must be in accordance with the relevant rules and the authority concerned shall pass a detailed order setting out reasons in the event the petitioner's request is not considered favourably. Pending such consideration, the petitioner shall not be sent to prison in the light of the law laid down by a Division Bench of this Court in WA(SR).No.137044 of 2014 and W.A.M.P.No.3036 of 2014.

The writ petition is accordingly allowed.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

Date: 09.11.2015

Note: Furnish C.C. today.

(B/o)

GJ