

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

THURSDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND SIXTEEN
(21.04.2016)

PRESENT
THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
&
THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

WRIT PETITION No.13320 of 2016

Between:

R.Narsing Rao

..... PETITIONER

AND

Commercial Tax Officer, Gajuwaka Circle,
Visakhapatnam and 3 others

.....RESPONDENTS

Counsel for the Petitioner : **Mr.P.V.KRISHNAIAH**

Counsel for Respondents : **G.P.for Services (AP)**

The Court made the following:

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
&
THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

WRIT PETITION No.13320 of 2016

JUDGMENT: (per Hon'ble Sri Justice C.V.Nagarjuna Reddy)

The petitioner was initially appointed as Waterman on 21.03.1986 in Commercial Tax Department on daily wage basis, and later, he was posted as Waterman (part time contingent employee) on 01.12.1992 in the office of respondent No.1 on consolidated salary. By proceedings in Rc.No.62/2012, SA-II, dated 11.11.2014, the petitioner's services were terminated by respondent No.1. Assailing the same, the petitioner filed O.A.No.2024 of 2015 before the Andhra Pradesh Administrative Tribunal, Hyderabad (for short "the Tribunal") and sought for a direction to the respondents to reinstate him in service and regularize his services in Last Grade Service.

In response to the notice, respondent No.1 filed counter, wherein they stated that the petitioner was arrested by Police, III Town Police Station, Visakhapatnam on 01.10.2014 in connection with Cr.No.768/2014, registered for the offences under Sections 379, 420, 465, 468 and 471 IPC, that during the course of investigation, the petitioner, who is A1 and one Grandhi Koteswararao-A2 were arrested on 01.10.2014, that the charge against the petitioner is that he used to steal and sell the way bills to A2 for Rs.15,000/-, that stamp and round seal of Commercial Tax Officer, Gajuwaka Circle were recovered from the house of the petitioner on 01.10.2014, based on which, the above mentioned criminal case was registered.

In the light of the above facts, the services of the petitioner as part time contingent employee were terminated on 11.11.2004. The Tribunal has taken note of the above mentioned facts and declined to interfere with the order of termination. However, it was considerate to the extent of directing respondents to consider the case of the petitioner for re-appointment on daily wage basis, depending upon the outcome of the criminal case.

Sri P.V.Krishnaiah, learned counsel for the petitioner, has not disputed the fact that his client is only a part time contingent employee and that a criminal case is pending against him for the alleged theft of way bills and sale of the same at Rs.15,000/- per book.

Having regard to the gravity of the alleged misconduct of the petitioner, the Tribunal has rightly declined the relief. As noted above, the Tribunal has already given a direction to the respondents to consider the case of the petitioner for re-appointment, subject to the outcome of the criminal case.

In the light of the above facts, we do not find any illegality in the order of the Tribunal. The Writ Petition is therefore dismissed. No order as to costs.

As a sequel to dismissal of the Writ Petition, WPMP No.16656 of 2016, filed by the petitioner for interim relief, is disposed of as infructuous.

C.V.NAGARJUNA REDDY,J

M.S.K.JAISWAL,J

Date: 21.04.2016

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