

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

**WEDNESDAY, THE TWENTY SEVENTH DAY OF
JANUARY TWO THOUSAND AND SIXTEEN**

Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.265 of 2016

Between:

Dr. A. Subbarami Reddy,
S/o. Late Sri A. Adi Reddy,
Aged 58 years,
103, Manohari Residency,
Air-Bye Pass Road, STV Nagar,
Tirupati – 517 501, Chittoor District.

.. Petitioner

AND

The State of Andhra Pradesh,
Rep. by its Secretary,
Revenue (Endowments) Department,
A.P. Secretariat Buildings,
Saifabad, Hyderabad & 2 others

.. Respondents

The Court made the following:

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

The petitioner is Principal of Sri Kalahasteeswara Institute of Technology (3rd respondent institute) which is managed by Sri Kalahasteeswara Swamivari Devasthanam, Chittoor District.

2. Learned counsel for the petitioner states that the petitioner has applied for Earned Leave on 09.07.2015 and subsequently extended his leave on 26.08.2015 on health grounds. The Earned Leave was sanctioned and was valid upto 27.09.2015. On 28.09.2015, the petitioner reported to duty. Learned counsel for the petitioner further states that on 04.07.2015, a charge memo was issued and on the very same set of charges, another charge memo was issued on 04.11.2015. The petitioner has filed his explanation to the charges. According to the learned counsel for the petitioner, false allegations are made. Learned counsel for the petitioner further submits that irrespective of the nature of allegations, when the petitioner reported to duty, it is illegal not to admit him to duty. Learned counsel further submits that several reminders were submitted and all most every day the petitioner is visiting the office to admit him to duty, but so far, he is not admitted to duty.

3. On behalf of the 3rd respondent, counter affidavit is filed. It is stated in the counter affidavit that since the petitioner earlier availed leave on medical grounds and when the petitioner reported to duty, the

application for reporting to duty is not accompanied by medical certificate of fitness and, therefore, the petitioner is not admitted to duty. It is further stated that disciplinary action is already initiated and the competent authority has taken a decision to appoint Enquiry Officer to enquire into the allegations levelled against the petitioner. During the absence of the petitioner on leave, incharge arrangements are made and now the Incharge Principal is running the 3rd respondent institute. Learned Standing Counsel also stated that on 22.01.2016, the competent authority has appointed Enquiry Officer to enquire into the allegations.

4. Learned counsel for the petitioner submits that though the petitioner has been visiting the office every day and made several representations, till date at any point of time he was informed that he should produce fitness certificate for him to be admitted to duty.

5. When an employee goes on leave on medical grounds, whenever he reports back to duty, he has to submit a fitness certificate. May be due to ignorance or oversight, the petitioner has not produced the medical certificate. The respondent authorities ought to have informed the petitioner to produce the medical certificate. The respondent authorities could not have kept quiet even though they have received several representations. Such action of the respondents is not appreciated.

6. However, in order to resolve the issue, the petitioner is directed to obtain a medical certificate of fitness and produce the same before the competent authority. As and when the medical certificate is produced and if the said fitness certificate is accepted and if the petitioner is found to be fit to perform the duties, the competent authority shall admit the petitioner to duty without further delay and the competent authority is directed to regularize the period from 28.09.2015 till the date of admission to duty and grant him the pay and

allowances payable for the said period as per rules in force. It is made clear that the Court has not dealt with the issue of disciplinary action initiated against the petitioner.

7. With the above observations, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 27th January, 2016

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HON’BLE SRI JUSTICE P.NAVEEN RAO

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