

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

WRIT PETITION No.7630 of 2016

Date:10.3.2016

Between:

G.Satti Babu,
S/o Surya Rao

....Petitioner

And:

The State of A.P., repled., by its Principal
Secretary, Home (Police) Department,
Hyderabad and seven others.

.....Respondents

Counsel for the petitioner: Mr. P.V.Ramana

Counsel for Respondent Nos.1 & 4: GP for Services (AP)

Counsel for Respondent Nos.5 to 7: GP for Services (TS)

The Court made the following:

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

The petitioner, who is a Police Constable of First Battalion, Telangana State Special Police, filed this Writ Petition feeling aggrieved by order, dated 18.2.2015, in Original Application No.1845 of 2011 with MA.No.2151 of 2014 on the file of the Andhra Pradesh Administrative Tribunal at Hyderabad (for short 'the Tribunal').

The petitioner was initially appointed as a Police Constable in the 12th Battalion, Anneparthi of Nalgonda District on 01.01.2003. During his probation, he left the

Battalion without intimation on 22.6.2004. An order was passed on 24.7.2004 declaring the petitioner as deserter and an Article of Charge was framed on 19.11.2004 against him. The petitioner received the said Article of Charge on 23.12.2004 and submitted his explanation on 28.02.2005, wherein he has explained his absence by pleading the purported ground of his son's ill-health causing mental agony to him and making him leave the Battalion without seeking permission. Not being satisfied with the petitioner's explanation, the disciplinary authority appointed an enquiry officer. Admittedly, the petitioner failed to attend the enquiry in spite of receipt of at least three notices. The enquiry officer after conducting *ex parte* enquiry, submitted his enquiry report on 17.9.2005. Thereafter, the disciplinary authority has issued memo, dated 28.9.2005, agreeing with the findings of the Enquiry officer. On receipt of the said memo, the petitioner reported to duty and requested to drop all further action. By order, dated 18.01.2006, the disciplinary authority has imposed on the petitioner the penalty of removal from service on the ground that he was absent for a period of 1 ½ years. The petitioner filed appeal before respondent No.3, who has rejected the same by order, dated 29.7.2006. However, in the Revision filed by the petitioner before respondent No.2, the latter has modified the punishment of removal from service to that of the postponement of increments for two years with effect on future increments and on pension. The further Revision filed by the petitioner before respondent No.1 having been rejected, the petitioner invoked the jurisdiction of the Tribunal by filing O.A.No.1845 of 2011, which, as aforementioned, was dismissed.

On consideration of the facts in their entirety, this Court is of the opinion that the Revisional authority was considerate in taking a lenient view by setting aside the

removal order and reinstating the petitioner by imposing a far lesser punishment of postponement of increments for two years with effect on future increments and pension. Having got away from the penalty of removal from service, instead of being satisfied with the mild penalty imposed on him by the revisional authority, the petitioner has been litigating further. Indeed, being a part of the disciplined force, the conduct of the petitioner in abandoning the Battalion on a jejune reason of the alleged ill-health of his son ought to have been viewed very seriously. However, respondent No.2 has shown his benevolence by reinstating the petitioner with a mild punishment.

In these facts of the case, we have absolutely no reason to interfere with the decision of respondent No.2 and the impugned order of the Tribunal.

The Writ Petition is, accordingly, dismissed.

As a sequel to dismissal of the Writ Petition, WPMP.No.9729 of 2016 filed by the petitioner is dismissed as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

JUSTICE M.S.K.JAISWAL

*10th March 2016
DR*