

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE N. BALAYOGI

WRIT PETITION No.9682 of 2013

ORDER: (per Hon'ble Sri Justice Sanjay Kumar)

The petitioner is the applicant in O.A.No.9396 of 2010 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad, which was dismissed *vide* order dated 06.03.2013. Challenge before the Tribunal was to the dismissal of the petitioner from service under proceedings dated 14.09.1998 of the Regional Joint Director of Higher Education, Andhra Pradesh, Guntur, basing on his conviction under Section 307 I.P.C in S.C.No.330 of 1997 on the file of the learned Assistant Sessions Judge, Addanki. The State also issued proceedings dated 20.04.2007 ordering recovery of Rs.3,58,818/- paid to the petitioner treating the period of suspension and the period from the date of dismissal till the date of superannuation as on duty.

By order dated 02.04.2013 passed in this writ petition, this Court directed that no recovery should be effected from the petitioner pending further orders.

Sri T. Suryakaran Reddy, learned senior counsel appearing for the petitioner would state that the conviction suffered by the petitioner under Section 307 I.P.C was thereafter converted to conviction under Section 337 I.P.C by this Court under order dated 08.07.2010 passed in Criminal Revision Case No.598 of 2004. Learned senior counsel would contend that in the light of the reduced conviction visited upon the petitioner, the State would necessarily have to reconsider the case and take an appropriate decision in the matter.

We find merit in this contention as the earlier proceedings dated 14.09.1998 passed by the Regional Joint Director of Higher Education, Andhra Pradesh, Guntur, was based on the conviction under Section 307 I.P.C which no longer remains in the light of the order passed by this Court in Criminal Revision Case No.598 of 2004.

The Writ Petition is accordingly disposed of setting aside the proceedings dated 14.09.1998 of the Regional Joint Director of Higher Education, Andhra Pradesh, Guntur, and remitting the matter to the said authority for consideration afresh of the entire issue in the light of the reduced conviction of the petitioner under Section 337 I.P.C. The authority shall also look into the issue of the recovery under the proceedings dated 20.04.2007 and take an appropriate decision. This entire exercise shall be completed expeditiously and in any event, not later than 10 weeks from the date of receipt of a copy of this order.

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

SANJAY KUMAR, J

N. BALAYOGI, J

Date: 24.01.2017
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