

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.33529 OF 2016

ORDER:

The petitioners were appointed as Prohibition and Excise Sub Inspectors after undergoing selection process on 21.01.2013. They were sent for training and while they were undergoing training, they applied for leave and the same was sanctioned. In the meanwhile, the batchmates of the petitioners completed their training and their probation was also declared. When the probation of the petitioners was not declared, they filed the present writ petition.

The third respondent filed a counter affidavit admitting that the petitioners were selected as Prohibition and Excise Sub Inspectors by the erstwhile Andhra Pradesh Public Service Commission (APPSC) through direct recruitment under Group-II Services and they were appointed on 21.01.2013. The prescribed period of training is as follows.

Institutional Training	-	26 weeks
Practical Training	-	26 weeks

Both the petitioners joined the Andhra Pradesh Prohibition and Excise Academy, Hyderabad on 21.02.2013 for undergoing one-month foundation training. Thereafter, they were drafted to two-month foundation training for Group-II Officers. Both the petitioners were drafted for undergoing practical training by proceedings dated 18.05.2013. The petitioners 1 and 2 proceeded on leave from 25.07.2013 (162 days) and from 31.08.2013 (180 days) respectively and the leave of the first petitioner was not sanctioned, whereas the leave of the second petitioner was sanctioned. Though the name of the first petitioner was included in the list of candidates drafted for second batch institutional training, he did not turn up. However, both the petitioners were permitted to join duty after expiry of leave and to continue their left-over practical training. By that

time, the second batch institutional training was almost completed and hence, they could not be drafted for institutional training. After completion of practical training, the petitioners were continued at their place of postings and the first petitioner proceeded on unauthorized leave from 03.02.2015 to 16.08.2015. On return from leave, he was posted at Prohibition and Excise Station, Qutubullapur and he joined on 10.09.2015. The probation of the batchmates of the petitioners was declared on 23.04.2016. Since the petitioners did not complete institutional training, their probation was not declared. It is stated that when the petitioners submitted representation, a report was submitted by the second respondent to the first respondent and the clarification from the first respondent is awaited. As per Rule 11(i) of the Special Rules, which are applicable to the petitioners, every person appointed by direct recruitment to the post of Prohibition and Excise Sub Inspector shall undergo a course of training for such period, as may be prescribed by the second respondent.

The facts in the instant case are clear and there is no dispute with regard to appointment of the petitioners as Prohibition and Excise Sub Inspectors. After deputing them for training, the first petitioner went on unauthorized leave, whereas the second petitioner went on authorized leave. By the time the petitioners were again deputed for training, their batchmates completed their training and in view of non-completion of the training by the petitioners, their probation was not declared and they were allowed to join after expiry of the leave period. When the petitioners submitted a representation, the matter was referred to the first respondent by the second respondent seeking clarification and the clarification has not been received by the second respondent.

In view of the above facts, the relief sought for by the petitioners for declaring their probation cannot be granted. However, this writ petition is

disposed of directing the first respondent to consider the report of the second respondent in respect of the petitioners and pass appropriate orders in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

Consequently, miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

20.11.2017
pln

