

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.4144 OF 2015

Dated:21.04.2017

Between:

B.V.S. Srinivas, S/o. Late Dharma Rao,
Aged 39 years, Occ: Typist (Under
Dismissal), O/o. Assistant Accounts
Officer, Electricity Revenue Office,
A.P.E.P.D.C.Limited, Nidadavole,
West Godavari District

.. Petitioner

And

Andhra Pradesh Electricity Power
Distribution Company Limited,
Visakhapatnam, rep., by its
Chairman and Managing
Director and others

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.4144 OF 2015****ORDER:**

Though W.P.M.P.No.5492 of 2015 is listed, having regard to the controversy, with the consent of learned counsel for the parties, the Writ Petition is taken up and is being disposed of.

2. Petitioner was working as Typist in the Andhra Pradesh Eastern Power Distribution Company Limited. He was arrayed as accused in S.C.No.65 of 2003 on the file of VI Additional District and Sessions Judge (Fast Track Court), East Godavari District. The Criminal Court rendered judgment on 31.08.2004 convicting the petitioner under Section 235 (2) Cr.P.C. Based on the conviction by order, dated 10.02.2006, petitioner was dismissed from service retrospectively w.e.f. 31.08.2004, the date on which he was convicted. Against the said conviction, the petitioner preferred CrI.A.No.1936 of 2004. By judgment dated 22.01.2013, the petitioner was acquitted. After acquittal, petitioner submitted representation, dated 09.03.2013, to reinstate him into service. Alleging inaction on the said representation, this Writ Petition is filed.

3. It is not in dispute that petitioner was dismissed from service on the ground of conviction by the trial Court and the said conviction was set aside by this Court in CrI.A.No.1936 of 2004. While dealing with the specific contentions urged by the petitioner, nothing is stated in the counter affidavit as to why the order of dismissal was not reviewed after conviction was set aside,

moreover, when the dismissal was solely on the ground of conviction of the petitioner by the trial Court.

4. Since petitioner was already acquitted in the criminal case, which was the basis for removal, the order of dismissal from service shall have to go and petitioner has to be reinstated into service.

5. Having regard to the same, the Writ Petition is disposed of directing the respondents to reinstate the petitioner into service forthwith. However, with reference to back wages and other benefits, which the petitioner is claiming, he is directed to make a representation seeking all other benefits and on submission of such representation, the Chief General Manager, HRD, Andhra Pradesh Eastern Power Distribution Company Limited, Visakhapatnam, the 2nd respondent, shall examine the same and pass appropriate orders as warranted by law, as expeditiously as possible preferably within a period of two months from the date of receipt of such representation. Petitioner shall also be paid pay and allowances from the date of submission of representation, dated 09.03.2013 till reinstatement. 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:21.04.2017

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