

**THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY
AND
THE HON'BLE SRI JUSTICE G. SHYAM PRASAD**

WRIT PETITION No.19884 of 2017

DATE: 11.08.2017

Between:

The Superintendent of Police, Nalgonda,
Nalgonda District and others

....Petitioners

and

Md. Shafiuddin, S/o Naseeruddin (late),
Aged 28 years, Occ: Ex. Home Guard-936,
R/o H.No.6-2-545, Srinagar Colony, Nalgonda Town,
Nalgonda District – 508 001 and another

....Respondents

COUNSEL FOR THE PETITIONERS : GP for Services (TS)

**COUNSEL FOR RESPONDENT No.1 : Mr. B. Abhilash Ashrith Kumar
for Mr. S. Gopal Rao**

COUNSEL FOR RESPONDENT No.2 : ---

**THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY
AND
THE HON'BLE SRI JUSTICE G. SHYAM PRASAD**

WRIT PETITION No.19884 of 2017

ORDER: (Per the Hon'ble Sri Justice C.V. Nagarjuna Reddy)

This writ petition is filed by the Superintendent of Police, the State of Telangana and other police functionaries feeling aggrieved by order, dated 03.09.2015 in O.A.No.7050 of 2014 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad, whereby it has directed the petitioners to re-enroll respondent No.1 as Home Guard.

Respondent No.1 was enrolled as Home Guard on 20.04.2007 along with 50 others. By proceedings, dated 31.12.2010, petitioner No.1 has removed respondent No.1 from service on the ground that he was involved in a criminal case. The said criminal case registered for the offences punishable under Section 498-A IPC and Section 4 of the Dowry Prohibition Act ended in clean acquittal of respondent No.1. Thereafter, respondent No.1 has approached petitioner No.1 for his reinstatement into service. As his request was not considered, respondent No.1 has filed the aforementioned O.A.

In the counter-affidavit filed by petitioner No.3 before the Tribunal, it was stated that after termination of the services of respondent No.1, another candidate was taken on the rolls of Home

Guard and that as vacancy arising consequent on the removal was filled up, he could not be reappointed. By the impugned order, the Tribunal has allowed the O.A.

It is not in dispute that the services of respondent No.1 as Home Guard were terminated on the sole ground of his involvement in the criminal case. With the acquittal of respondent No.1, the whole basis for his removal has got wiped out. Therefore, inevitable consequence flowing out of the acquittal of respondent No.1 is his reinstatement. If the vacancy left by respondent No.1 was filled up, that cannot be a ground to deny respondent No.1 of his reinstatement.

In this view of the matter, the Tribunal, in our opinion, is right in allowing the O.A. Hence, we do not find any merit in this writ petition, which is accordingly dismissed.

As a sequel to dismissal of Writ Petition, WPMP.Nos.24302 and 24303 of 2017 filed by the petitioners stand dismissed as infructuous.

C.V. NAGARJUNA REDDY, J

11th AUGUST, 2017.

G. SHYAM PRASAD, J

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