

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

The Hon'ble Sri Justice V. RAMASUBRAMANIAN
and
The Hon'ble Sri Justice M. GANGA RAO

WRIT PETITION No.36028 OF 2017

Between:

K. Ajay Kumar S/o.K. Atchaiah,
Aged about 45 years, Occ: Ex Police Constable (PC No.370)
R/o.D.No.76-51-101/ 6, Old MIG HB Colony,
Bhavanipuram, Vijayawada - 12, Krishna District.

...Petitioner

Vs.

The State of Andhra Pradesh,
Rep. by its Principal Secretary,
Home Department, Velagapudi, Amaravathi,
Guntur District, Andhra Pradesh and others.

.. Respondents

For Petitioner : Sri N. Parameswar Reddy
For Respondents : G.P. for Services-I, (A.P.)



HON' BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

HON' BLE SRI JUSTICE M. GANGA RAO

WRIT PETITION No.36028 OF 2017

ORDER: (per V. Ramasubramanian, J)

Aggrieved by the dismissal of his Original Application by the Andhra Pradesh Administrative Tribunal, a Police Constable, who was removed from service for unauthorized absence, has come up with the above writ petition.

2. Heard Mr. N. Parameswar Reddy, learned counsel for the petitioner.

3. Disciplinary proceedings were initiated against the petitioner, for his unauthorized absence and the proceedings culminated in an order of penalty of removal from service passed on 03.09.2010. The order was confirmed on appeal on 11.04.2011.

4. At about the same time, a charge sheet was also filed against the petitioner in a criminal Court in CC No.630 of 2012 for the offences punishable under Sections 420 and 409 IPC. The criminal case ended in acquittal by judgment dated 09.04.2015.

5. Thereafter the petitioner gave a representation on 08.10.2016 seeking reinstatement. But the concerned Authority did not consider the representation, as the same was made after 5 ½ years of the Appellate Authority's order confirming the penalty.

6. Aggrieved by the inaction on the part of the respondents in dealing with his representation, the petitioner filed an O.A. before the Tribunal. Finding no merits in the application, the Tribunal dismissed the O.A., forcing the petitioner to come up with the above writ petition.

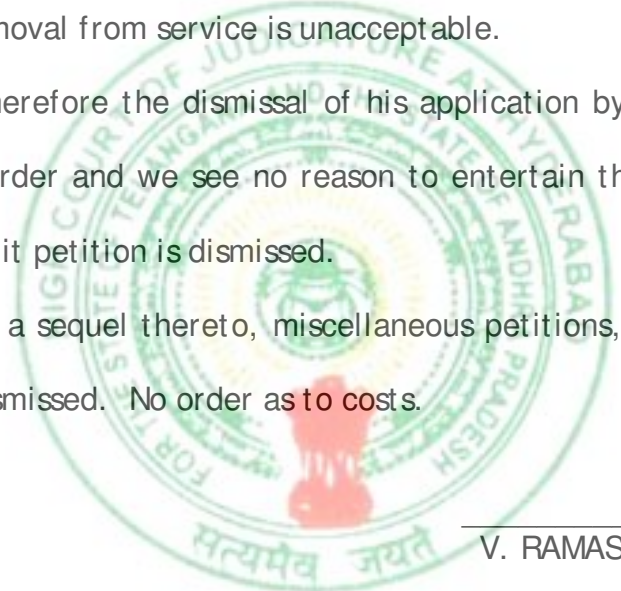
7. The penalty of removal from service was imposed upon the petitioner, for unauthorized absence followed by desertion. The criminal case was for the offences under Sections 420 and 409 IPC. The acquittal in the criminal case has nothing to do with the charges framed in the departmental proceedings.

8. As against the order of penalty dated 03.09.2010 the petitioner filed a statutory appeal but the same was rejected on 11.04.2011. Thereafter, he kept quiet for 5 ½ years to make his representation.

9. The explanation of the petitioner that he waited for the criminal case to come to an end, to make a representation against the penalty of removal from service is unacceptable.

10. Therefore the dismissal of his application by the Tribunal is perfectly in order and we see no reason to entertain the writ petition. Hence, the writ petition is dismissed.

11. As a sequel thereto, miscellaneous petitions, if any, pending shall stand dismissed. No order as to costs.



V. RAMASUBRAMANIAN, J

M. GANGA RAO, J

October 30, 2017

KTL