

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

**WVMP.No.3704 of 2017 in WPMP.No.22361 of 2017 in
WP.No.18319 of 2017**

And

WP.No.18319 of 2017

COMMON ORDER :

The petitioners have questioned the order dt.05.05.2017 passed by the 2nd respondent reverting them from the post of A.R. Head Constables to A.R. Police Constables.

2. The petitioners herein contend that earlier after a disciplinary enquiry, though petitioners have been subjected to a punishment of compulsory retirement by order dt.04.10.2007 passed by the 2nd respondent, the said order had been suspended by this Court in WPMP.No.37218 of 2007 in WP.No.28503 of 2007; thereafter, they have been promoted to the post of A.R. Head Constable and without any valid reason they have been reverted as A.R. Police Constables.

3. This Court found *prima facie* strength in the contentions of petitioners and on 15.06.2017 in WPMP.No.22361 of 2017 suspended the order dt.05.05.2017.

WVMP.No.3704 of 2017 :

4. WVMP.No.3704 of 2017 is filed to vacate the order dt.15.06.2017 passed in WPMP.No.22361 of 2017 in WP.No.18319 of 2017.

5. In the counter-affidavit / vacate stay petition filed along with the Vacate Stay petition also no valid reason has been given by the respondents justifying the reversion of the petitioners though the fact that there is suspension of the punishment of compulsory retirement by this Court, is acknowledged in the counter-affidavit.

6. The stand taken in the counter-affidavit that suspension of the punishment of compulsory retirement would be irrelevant and they were not entitled to promotion unless the Writ Petition is allowed, cannot be accepted and, *prima facie*, amounts to contempt of the interim order granted by this Court.

7. Therefore, the impugned order passed by the 2nd respondent cannot be allowed to stand.

8. Accordingly, the Writ Petition is allowed. The order dt.05.05.2017, passed by the 2nd respondent, is set aside; and the 2nd respondent shall forthwith restore the petitioners to the post of A.R. Head Constables from the date of the impugned order dt.05.05.2017 without any break in service within two (02) weeks from today. The 2nd respondent shall also pay costs of Rs.5,000/- to the High Court Legal Services Committee.

9. Consequently, WVMP.No.3704 of 2017, which was filed to vacate the order dt.15.06.2017 passed in WPMP.No.22361 of 2017 in WP.No.18319 of 2017, is dismissed.

10. Accordingly, the Writ Petition is allowed with costs as above.

11. As a sequel, miscellaneous petitions pending if any in this Writ Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 23.02.2018

Ndr/*

