

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.P.No.24057 of 2017

ORDER:

Heard the learned counsel for the petitioners, learned Government Pleader for respondent No.1 and Sri N.Bhupal Reddy, learned counsel for respondent Nos.2 and 3.

2. Petitioners were appointed as Trainee Graduate Teachers on 08-08-1997 and 12-02-1991 respectively. They were placed under suspension on 20-06-2013 on the ground of absence on that day and a charge memo was also issued to them on 08-07-2013. Thereafter, by proceeding dt.24-07-2013, 1st petitioner was posted at Nallavagu and the 2nd petitioner was posted at Yellareddy.

3. Petitioners questioned the orders suspending them in W.P.No.22490 of 2013 and the transfer order in W.P.No.22495 of 2013. Interim orders were passed in both the cases on 13-07-2013 and they were taken back into service on 10-12-2013. Subsequently, the disciplinary proceedings initiated against them were also dropped.

4. Petitioners contend that both these Writ Petitions came to be allowed on 16-12-2013, but in spite of the same, the respondents have not regularized the period from 20-06-2013 to 10-12-2013 and are treating the said period as 'compulsory wait', which is permissible in law.

5. Petitioners contend that once the orders of suspension of petitioners as well as their transfer orders are both set aside in the above Writ Petitions, the respondents have no choice but to regularize the period from 20-06-2013 to 10-12-2013 and they cannot treat this as “compulsory wait” period, and this is illegal, arbitrary and violative of Article 14 of the Constitution of India.

6. Counter affidavit is filed by 4th respondent stating that though petitioners were suspended on 20-06-2013, they were reinstated at Nallavagu and Yellareddy schools on 24-07-2013 itself, but they did not obey the same, and they filed the above referred Writ Petitions and were absent from duties unauthorizedly till 10-12-2013 and that was why the period was not regularized.

7. Once the orders of suspension of the petitioners issued on 20-06-2013 and the orders reinstating them at those places issued on 24-07-2013 were set aside by this Court on 16-12-2013 in W.P.Nos.22490 of 2013 and 22495 of 2013, and there were interim orders in petitioners' favour during the pendency of both Writ Petitions, it is not open to the 2nd respondent to contend that the petitioners were absconding unauthorizedly from 20-06-2013 to 10-12-2013 and that the said period cannot be regularized. This is because the respondents cannot ignore the order dt.16-12-2013 in both the Writ Petitions canceling the suspension order as well as reinstatement-transfer orders, which were not challenged by the respondents.

8. Accordingly, the Writ Petition is allowed with costs of Rs.1,000/- (Rupees One Thousand only) to be paid by 2nd respondent to each of the petitioners within four weeks and the respondents are directed to regularize the period from 20-06-2013 to 10-12-2013 and treat it as 'on duty' as regards the petitioners.

9. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 12-02-2018

kvr

