

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.10819 of 2012

ORDER:

Both petitioners are employed as watchmen in A.P. State Housing Corporation Limited.

2. A charge memo was initially issued to them on 27-10-2010 alleging that bricks to be used for construction in the Nirmithi Kendram, Rajampet went missing and they are responsible for the same.

3. Explanations were given by petitioners denying the said charges and contending that they were working as watchmen in the office of the Deputy Executive Engineer, Sub-Division Office, Rajampet and not in the Cyclone Nirmithi Kendram where the bricks were found missing.

4. Along with the petitioners, disciplinary action was also initiated against one J.V.Subbaiah, Assistant Engineer, who was the custodian of the cyclone Nirmithi Kendram.

5. The Revenue Divisional Officer, Rajampet was appointed as Enquiry Officer to enquire into the allegations and he gave his report on 26-09-2011 holding that J.V.Subbaiah alone was responsible for the missing bricks.

6. In the meantime petitioners were not allowed to join duty by the Corporation.

7. So, they approached this Court in W.P.No.5580 of 2012 stating that they gave representations to be taken back into service by revoking their suspension, but the same was not being considered by the District Collector/Executive Director of the said Corporation (2nd respondent).

8. On 01-03-2012 in W.P.M.P.No.7075 of 2012 in the said Writ Petition, this Court directed consideration of petitioners' representations.

9. Thereafter impugned order was passed on 03-04-2012 refusing to take back the petitioners into service.

10. In the said order, it is mentioned that petitioners have addressed a letter on 14-08-2010 admitting that they were negligent because of which there was a shortage of sand cement blocks; that they enclosed two demand drafts for Rs.82,313/-; but when the said Demand Drafts were sought to be revalidated, they issued a legal notice to the Bank not to revalidate the Demand Drafts. So, the order stated that petitioners were guilty of negligence and because of their refusal to repay the amount, they cannot be taken back into service.

11. Therefore, the petitioners filed the present Writ Petition.

12. This Writ Petition was admitted on 17-04-2012 and in W.P.M.P.No.13682 of 2012, this Court passed orders holding that J.V.Subbaiah, Assistant Engineer (Housing), Rajampet had remitted

the amount in the name of the petitioners; petitioners in their representation dt.12-03-2012 have also stated that the said J.V.Subbaiah forged their signatures on a letter as if petitioners admitted their lapse and they also denied their signatures; that the Enquiry officer himself came to the conclusion that J.V.Subbaiah remitted the amount, but the District Collector did not apply his mind to these facts. It therefore suspended the impugned order and directed the respondents to revoke the suspension of petitioners and take them on duty forthwith pending further orders.

13. Pursuant to this order, petitioners were reinstated into service and they have been in service for the last 6½ years and more.

14. Sri M.Ravindranath Reddy, learned Standing Counsel for the Corporation states that since petitioners have been reinstated into service, nothing requires to be decided and if the petitioners have any other grievance, they may pursue it.

15. In view of the said submission and the reasoning adopted by this Court while passing the interim order on 17-04-2012 in W.P.M.P.No.13682 of 2012, which is not disputed by respondents, and since they do not have any grievance as far as revoking suspension of petitioners and continuing them on duty, this Writ Petition is closed as infructuous granting leave to the petitioners to approach this Court if they have any other grievance. No costs.

16. Consequently, miscellaneous petitions pending, if any, shall stand closed.

M.S.RAMACHANDRA RAO, J

Date : 29-11-2018
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