

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.20812 OF 2018

Date: 13.07.2018

Between:

Senigarapu Ramulu, S/o Bhumaiah, Aged about 45 years,
R/o H.no.3-11, Audugulapeta, Mandamarri town and mandal,
Mancherial district.

.... Petitioner

and

State of Telangana, Municipal Administration, rep.by its
Principal Secretary, Telangana Secretariat, Hyderabad and
others.

.... Respondents



The Court made the following:

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ORDER:

Petitioner is working as Public Health Worker in Mandamarri Municipality. In Crime No.127 of 2016 registered by Mandamarri Police under Sections 302 and 307 of IPC, petitioner was shown as accused. On 08.08.2016, he was arrested and was in custody until 09.11.2016. Grievance of the petitioner is, though he reported to duty he is not allowed to discharge his duties. On account of denial of admission to duty, grave prejudice is caused to him. Petitioner would further contend that show-cause notice was served on him alleging that he was absconding from duty from 28.07.2016 without obtaining permission. Petitioner submitted his explanation to the show-cause notice on 20.11.2016 stating that he was illegally involved in a criminal case, called to the police station and was arrested. Petitioner claimed to have submitted several representations and also complained to Telangana State Commission for SC's and STs, but till date he is not admitted to duty. Hence, this writ petition.

2. Heard Smt. K.Udaya Sri, learned counsel for petitioner, Sri N.Praveen Kumar, learned standing counsel for Municipality for respondent no.2 and learned Government Pleader for Municipal Administration (TG) for respondents 1 and 3.

3. According to learned counsel for petitioner, petitioner entered service as NMR; though he has rendered long service, his services are not regularised and, therefore, he along with 25 others filed WP No.13088 of 1996 to allow time scale of pay of last grade regular employees. By order dated 8th July, 1996, Writ Petition was

disposed of, directing the respondents to consider the case of petitioners for regularisation as per G.O.Ms.No.212 Finance and Planning (FW.PC.III) Department dated 22.04.1994. Consequently, all benefits of regular employee are granted to petitioner including 8 years service special grade promotion pay, twelve years special grade promotion pay and revised pay scales of 1999, 2005 and 2016. He would therefore submit that he is a regular employee for all purposes. He would submit that even after release of petitioner on bail, merely because criminal case is pending against him is not a ground to deny him resumption of duty. According to learned counsel so far no order of suspension is issued and thus petitioner is not even treated as under suspension.

4. According to learned standing counsel, as petitioner is involved in a case of murder, he is not entitled to work as long as he is not discharged in pending criminal case.

5. Facts as noted above makes it clear that the petitioner is an accused on the allegation of murder, was arrested and in custody for about 90 days. Police filed charge-sheet showing him as accused No.4. Even for regular employee, if arrested and in custody for more than 48 hours, he shall be deemed to be under suspension and there is no requirement to pass a formal order of suspension. In the case on hand, though all financial benefits are granted, it appears petitioner service is not regularised. Thus, can the petitioner be treated on par with regular employee is an issue to be considered in independent proceedings.

6. There is no mention in the affidavit filed in support of the writ petition whether petitioner is paid subsistence allowance for

keeping him out of employment on the allegation of involvement in a criminal case. In the facts of this case, petitioner is granted liberty to make a representation to the Regional Director and Appellate Commissioner of Municipal Administration praying to allow him to resume duty. On making such representation, the Regional Director and Appellate Commissioner of Municipal Administration, the 4th respondent, shall consider the same and pass appropriate orders within four weeks from the date of receipt of such representation, duly ascertaining present stage of criminal proceedings. The Writ Petition is accordingly disposed of. Pending miscellaneous petitions shall stand closed.

Date: 13.07.2018
Kkm

JUSTICE P.NAVEEN RAO



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