

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 5858 of 2006

ORDER:

This writ petition is filed seeking to issue a writ of mandamus declaring the order passed by the 2nd respondent in proceedings dated 29.08.2005, whereby the period of dismissal of the petitioner from service from 17.07.2002 to 25.06.2005 is treated as dies non and the earlier suspension period from 19.04.2002 to 16.07.2002 is treated as leave, as well as the order passed by the 3rd respondent in memo dated 09.01.2006, as illegal and arbitrary.

Heard Sri A.K. Jayaprakash Rao, learned counsel for the petitioner, and the learned standing counsel for the respondents.

It has been contended by the petitioner that he was initially appointed as Helper in the respondent corporation on 05.06.1993 and later, promoted as Assistant Lineman in the year 1998 and promoted as Lineman in the year 2000. While so, he was placed under suspension vide orders dated 19.02.2002 and, thereafter, dismissed from service vide orders dated 17.07.2002 issued by the 4th respondent on the ground that he was convicted by the criminal Court in C.C.No.106 of 1997 by judgment dated 09.07.1999. Questioning the same, he preferred a revision in CrI.R.C.No.517 of 2002 and this Court allowed the revision case by judgment dated 24.03.2005. Based upon his acquittal in the aforesaid criminal case, the respondents have reinstated him into service vide orders dated 24.06.2005. Thereafter,

the 2nd respondent issued proceedings dated 29.08.2005 treating the period of dismissal from service from 17.07.2002 to 25.06.2005 as dies non and the earlier suspension period from 19.04.2002 to 16.07.2002 as leave, as per Board's Memo dated 14.05.1990. The grievance of the petitioner is that though he submitted a representation dated nil to the 1st respondent seeking to treat the period of suspension and dismissal as spent on duty, the same is pending consideration.

Having considered the submissions made by the parties and perused the record, I am of the view that the writ petition can be disposed of with a direction to the petitioner to submit a fresh representation to the respondents seeking regularization of the suspension period.

Accordingly, the writ petition is disposed of directing the petitioner to submit a fresh representation to the respondents seeking regularization of the suspension period, within two (2) weeks from the date of receipt of a copy of this order, and upon receiving such representation, the respondents shall consider the case of the petitioner and pass appropriate orders in eight (8) weeks thereafter, duly taking into account B.P.Ms.No.413 dated 23.01.1995.

Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed. No order as to costs.

ABHINAND KUMAR SHAVILI, J

23rd August, 2018
cbs

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI



Writ Petition No. 5858 of 2006
(disposed of)

23rd August, 2018

cbs