

**HON'BLE SRI JUSTICE SURESH KUMAR KAIT
AND
HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

WRIT PETITION No.26385 of 2018

ORDER: (ORAL)

(Per Suresh Kumar Kait, J)

Heard learned counsel for the petitioner and the learned Government Pleader appearing on behalf of the respondents and with their consent, the writ petition itself is being disposed of at the admission stage.

The petitioner has challenged order dated 25.06.2018 passed in O.A.No.567 of 2018 by the Andhra Pradesh Administrative Tribunal, Hyderabad. By the aforesaid O.A., petitioner questioned order dated 22.12.2017 passed by the respondents in Rc.No.1840/G1/2017, terminating him from the post of Multi Purpose Health Assistant. The said proceedings were set aside by the Tribunal by the impugned order, however, the Tribunal, while allowing the said O.A., held that the petitioner is not entitled for reinstatement since he is deemed to be under suspension until revoked, as he was in judicial custody for over 48 hours after his arrest in criminal case.

Since the respondents did not put the petitioner under suspension pursuant to his arrest in criminal case, therefore, the observation of the Tribunal to the extent that the petitioner is under deemed suspension until revoked, is erroneous.

Accordingly, we hereby set aside the impugned order of the Tribunal only to the extent of the aforesaid observation.

It is brought to the notice of the Court that services of the petitioner, which are on contract basis, are coming to an end today, i.e., 31.07.2018. In that view of the matter, it is made clear that renewal of contract in relation to the services of the petitioner would be subject to the orders to be passed by the respondents.

Writ petition is accordingly disposed of. No order as to costs.

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

SURESH KUMAR KAIT, J

ABHINAND KUMAR SHAVILI, J

July 31, 2018
MRR

