

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION NO.32001 OF 2018

ORDER

(Per Hon'ble Sri Justice Sanjay Kumar)

The petitioner is the unsuccessful applicant in O.A.No.62 of 2014 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad (*hereinafter*, 'the Tribunal'). His prayer therein was to set aside the proceedings dated 26.01.2013 of the Commandant, 9th Battalion, A.P.S.P., Venkatagiri, Nellore District, whereby he was discharged from training for his unauthorized absence, and to direct the authorities to send him for training as a Stipendiary Cadet Trainee Police Constable (Andhra Pradesh Special Police). By order dated 04.04.2017, the Tribunal dismissed the O.A. Aggrieved thereby, he filed the present writ petition.

The petitioner was selected as a Stipendiary Cadet Trainee Police Constable (Andhra Pradesh Special Police) in October, 2011. He was sent for training, *vide* order dated 21.12.2012, subject to certain conditions which were also mentioned in the agreement bond obtained from him. One of the conditions stipulated was to the effect that unauthorized absence would be considered as misconduct calling for stern action and that the trainee would be withdrawn from the training and struck off from the rolls for seven days unauthorized absence.

It is an admitted fact that after he was sent for nine months training with effect from 26.12.2012, the petitioner absconded from the training course on 28.12.2012. He returned on 08.01.2013 citing the murder of his uncle's daughter and the ill-health of his mother as grounds for his unauthorized absence. However, in terms of the conditions stipulated at the

time of sending him for training, he was discharged from service w.e.f. 28.12.2012 under the impugned proceedings dated 26.01.2013.

Though Sri V.Maheswar Reddy, learned counsel for the petitioner, would contend that the petitioner informed his superior officers before leaving the training college, he would also admit that there is no evidence in proof of the same. It is further admitted by him that the petitioner did not apply for leave before leaving the training college. It is to be remembered that the petitioner was inducted into a uniformed service and a higher degree of discipline would be required of him in all regards. It is not for this Court to intervene when the authorities of such uniformed service seek to instill discipline in the rank and file by insisting on strict adherence to the prescribed norms. Sympathy cannot be a ground for interference in this regard. The inescapable facts remain that the petitioner acted in violation of the conditions stipulated when he entered into the training course, which he was fully aware of. This lack of discipline cannot be countenanced even if there were sufficient grounds warranting his sudden departure. We therefore find no reason to interfere with the order passed by the Tribunal holding to this effect and dismissing the O.A.

The writ petition is devoid of merit and is accordingly dismissed. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

M. GANGA RAO, J

19th NOVEMBER, 2018
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