

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.37208 OF 2018

ORDER:

This writ petition is filed under Article 226 of the Constitution of India, seeking to issue writ of mandamus setting aside the punishment of removal of the petitioner from service vide orders, dated 14.06.2017 as illegal, arbitrary and contrary to the settled law and also violative of principles of natural justice and direct the respondents to reinstate the petitioner into service with all consequential benefits.

2. This writ petition is being disposed of at the stage of admission with the consent of both counsels.

3. Heard Sri M.Venkanna, learned counsel for petitioner and Special Government Pleader representing the learned Advocate General for the respondents.

4. It has been contended by the learned counsel for the petitioner that the petitioner was appointed as Home Guard in the year 2006 and while he was discharging his duties, the respondents have removed the petitioner from service, vide orders, dated 14.06.2017 on the ground that the petitioner involved in a criminal case. It is further contended that in the said criminal case, the petitioner was acquitted and the petitioner cannot be removed from service basing on his involvement in a criminal case. It is further contended that the petitioner has preferred an appeal against the orders of removal before the appellate authority on 22.02.2018 and so far, the respondents have not passed any orders on the said appeal. When the appellate authority has not disposed of the appeal preferred by the petitioner, the petitioner preferred Mercy Petition to the next higher

authorities, dated 16.07.2018. It is further contended that the ends of justice would be met if the authorities are directed to consider the appeal and Mercy Petition preferred by the petitioner and pass appropriate orders.

5. Learned Special Government Pleader for the respondents contends that the appeal and Mercy Petition preferred by the petitioner will be decided in accordance with law.

6. This Court having considered the rival contentions made by both counsel, is of the considered view that without expressing any opinion on the merits of the case, the writ petition can be disposed of directing the appellate authority to pass appropriate orders on the appeal and also on the Mercy Petition filed by the petitioner within a period of 4 weeks from the date of receipt of a copy of this order.

7. With the above observation, the writ petition is disposed of. No order as to costs. Miscellaneous petitions, if any pending in this writ petition shall stand closed.

ABHINAND KUMAR SHAVILI, J

DATED: 11-10-2018

Hsd