

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.2085 OF 2019

ORDER:

This writ petition is filed seeking a writ of Mandamus directing the respondents to reinstate the petitioner into service as Home Guard with continuity of service and backwages from the date of removal i.e., 16.02.2015 till the date of reinstatement and consequently declare the action of the respondents in not reinstating the petitioner into service as arbitrary, illegal, violative of Articles 14 and 21 of the Constitution of India and against the Rules made by the Police Department under Chapter 52 of Police Manual Volume-3 as well as Order No.151 of Police Manual Volume-1.

Heard Sri S.Chandra Sekhar, learned counsel for the petitioner, and the learned Government Pleader for Services-I appearing for the respondents.

It has been contended by the petitioner that he was appointed as Home Guard in the year 2004 and while he was discharging his duties as such, a criminal case vide FIR No.164 of 2013, dated 19.09.2013, was registered against him. Thereupon, the respondents have initiated disciplinary action against the petitioner and, without conducting any enquiry and without giving an opportunity, the petitioner was removed from service vide proceedings dated 16.02.2015.

Learned counsel for the petitioner submits that the competent criminal court was pleased to acquit the petitioner in S.C.No.27 of 2015 vide judgment dated 17.10.2016 and thereafter the petitioner has submitted a representation to the respondents on 05.11.2018 requesting the respondents to reconsider his case in view of the judgment passed by the

competent criminal court in S.C.No.27 of 2015. Learned counsel for the petitioner further submits that the respondents are not considering the representation submitted by the petitioner nor reinstating the petitioner into service in view of the judgment dated 17.10.2016 in S.C.No.27 of 2015 passed by the competent criminal court and, therefore, contends that appropriate orders be passed in the writ petition directing the respondents to consider the representation submitted by the petitioner and pass appropriate orders.

Learned Government Pleader appearing for the respondents submits that the case of the petitioner would be examined and appropriate orders in accordance with law would be passed on the representation submitted by the petitioner.

This Court, having considered the submissions of the learned counsel for the respective parties, is of the considered view that this writ petition can be disposed of directing the respondents to consider the representation dated 05.11.2018 of the petitioner and pass appropriate orders in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

With the above observations, the writ petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Dated: 5th February, 2019
v v