

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.3435 of 2019

ORDER :

This writ petition is filed seeking Writ of Mandamus declaring the action of the respondents in not treating the suspension period from 15.05.2008 to 20.08.2010 as on duty for all purposes in view of the acquittal of the petitioner vide judgment dated 19.01.2016 in C.C.No.62 of 2009 passed by the Principal Sessions Judge for SPE & ACB Cases-cum-IV Additional Chief Judge, City Civil Court, Hyderabad, as illegal, arbitrary and contrary to F.R. 54(B) and sought a consequential direction to the respondents to treat the suspension period from 15.05.2008 to 20.08.2010 as on duty for all purposes in view of acquittal of the petitioner vide judgment dated 19.01.2016 in C.C.No.62 of 2009 as per F.R. 54(B) and refix the pension after including the increments due to the petitioner by considering the representations made by the petitioner on 17.02.2016 and 31.08.2018.

It is the case of the petitioner that while working as Tax Inspector in Circle No.VIII of the 2nd respondent – Corporation, he was placed under suspension on 15.05.2008 and thereafter reinstated into service on 20.08.2010. Subsequently, disciplinary proceedings as well as criminal proceedings were initiated against him. The petitioner submits that after

conducting a detailed enquiry and basing on the Enquiry Officer's Report, the 1st respondent – Government had issued G.O.Rt.No.248, dated 14.02.2013, imposing the punishment of stoppage of two annual grade increments without cumulative effect against the petitioner, besides treating the suspension period from 15.05.2008 to 20.08.2010 as not spent on duty. The petitioner further submits that after the disciplinary authority passed orders imposing the punishment as mentioned above, the Criminal Court was pleased to acquit the petitioner vide judgment dated 19.01.2016 in C.C.No.62 of 2009 passed by the Principal Sessions Judge for SPE & ACB Cases-cum-IV Additional Chief Judge, City Civil Court, Hyderabad. Subsequently, though the petitioner had submitted a representation dated 17.02.2016 requesting to treat the suspension period from 15.05.2008 to 20.08.2010 as on duty for all purposes, no order has been passed. Thereafter, the petitioner retired from service on attaining the age of superannuation on 30.06.2016. After retirement also, the petitioner made another representation dated 31.08.2018 requesting to review the punishment imposed against him in view of his acquittal in the criminal case. As no orders have been passed by the respondents on the said representations, the petitioner has filed the present writ petition.

Heard Sri S. Jagadish, learned counsel for the petitioner and the learned Government Pleader for Services-III appearing for the respondents.

Learned counsel for the petitioner submits that the respondents have not passed any orders on the representations made by the petitioner on 17.02.2016 and 31.08.2018 nor treated the suspension period from 15.05.2008 to 20.08.2010 as spent on duty for all purposes. The learned counsel, therefore, contends that appropriate orders be passed in the writ petition directing the respondents to consider the representations made by the petitioner on 17.02.2016 and 31.08.2018 and pass appropriate orders in accordance with law.

On the other hand, the learned Government Pleader for Services-III contends that the case of the petitioner will be considered and appropriate orders would be passed on the representations made by the petitioner in accordance with law.

This Court, having considered the rival submissions made by 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 representations made by the petitioner on 17.02.2016 and 31.08.2018 seeking to treat the suspension period from 15.05.2008 to 20.08.2010 as on duty for all purposes and pass appropriate orders in accordance

with law within a period of four (4) weeks from the date of receipt of a copy of this order.

With the above observations, the writ petition is disposed of. No order as to costs.

As a sequel, miscellaneous petitions pending, if any, in this writ petition shall stand closed.

20.02.2019.
Msr

JUSTICE ABHINAND KUMAR SHAVILI



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