

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.Nos.9994 of 2017 & 3674 of 2019

COMMON ORDER:

With the consent of both the parties, these Writ Petitions are being disposed of at the admission stage.

2. Learned counsel for the petitioners submits that the issue raised in both these Writ Petitions is squarely covered by the judgment rendered by this Court in W.P.No.19884 of 2017 dated 11-08-2017.

3. He further submits that the petitioners were initially engaged as Home Guards and while discharging their duties, the respondents herein had removed them from service on the ground that criminal cases were registered against them. He further submits that the competent Criminal Court had acquitted them and after acquittal, they have submitted representation to the respondents requesting to reconsider their cases for reinducting them as Home Guards.

4. He further submits that similar issue fell for consideration before the Division Bench of this Court in W.P.No.19884 of 2017 and this Court was pleased to confirm the orders passed by the Tribunal in O.A.No.7050 of 2014 dated 03-09-2015, wherein the Tribunal had directed the respondents therein to reinduct the applicants into service as Home Guards. The State has challenged the said orders by filing W.P.No.19884 of 2017 and this Court by order dated 11-08-2017 had dismissed the said Writ Petition confirming the orders passed by the

Tribunal. Therefore, he submits that the cases on hand are also similar as the petitioners were removed from services only on the ground that criminal cases were pending against them and now competent Criminal Court has acquitted the petitioners after trial and therefore, the petitioners are also entitled for reinduction into service as Home Guards.

5. Learned government Pleader for respondents submits that the cases of the petitioners would be considered by the respondents and appropriate orders will be passed on the representation submitted by the petitioners.

6. Having regard to the rival submissions made by the parties, this Court is of the considered view that these Writ Petitions can be disposed of directing the petitioners to submit fresh representation to the respondents within two weeks from the date of receipt of a copy of this order and upon such representation being received, the respondents shall consider the cases of the petitioners in terms of the law laid down by this Court in W.P.No.19884 of 2017 dated 11-08-2017 and pass appropriate orders in another four weeks thereafter.

7. With these observations, both the Writ Petitions are disposed of. No costs.

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

JUSTICE ABHINAND KUMAR SHAVILI

Date: 11-07-2019

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