

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.13875 of 2019

ORDER:

This writ petition is filed seeking the following relief :-

“.... to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the inaction of the respondents in regularising the period of petitioner's suspension from 27.04.2013 to 07.10.2013 as period spent on duty granting increments from 2013 to 2019 and paying arrears of salary accordingly is illegal, arbitrary, contrary to the service and fundamental rules and unconstitutional and consequently direct the respondents to forthwith regularise the period of petitioner's suspension from 27.04.2013 to 07.10.2013 grant increments from 2013 to 2019 and pay arrears of salary with interest at 12 %per annum”

Heard Mr.Sinivas Rao Bodduluri, learned counsel for petitioner and the learned Government Pleader for Services-II.

It has been contended by the petitioner that he is presently working as Assistant Project Director and while he was working as Mandal Parishad Development Officer, the respondents have placed him under suspension vide proceedings dated 26.04.2013 on the ground that he was detained in judicial remand for more than 48 hours in respect of criminal case filed against him under Section 498-A IPC. Challenging the said suspension order, the petitioner has filed O.A.No.3234 of 2013. The Tribunal vide order dated 02.07.2013 was pleased to set aside the suspension order. The respondents have challenged the order passed by the Tribunal by filing W.P.No.26762 of 2013. This Court was pleased to dismiss the said writ petition vide order dated 16.09.2013 confirming the order passed by the Tribunal. Thereafter, the petitioner was reinstated into service on 08.10.2013. The petitioner has filed CrI.P.No.3949 of

2016 to quash the proceedings in C.C.No.570 of 2013 on the file of the II Additional Chief Metropolitan Magistrate, Vijayawada. This Court was pleased to allow the said Criminal Petition by setting aside the proceedings in C.C.No.570 of 2013. Thereafter, the petitioner has submitted a detailed representation to the respondents on 15.06.2016 requesting to regularize the suspension period i.e., from 27.04.2013 to 07.10.2013 in accordance with Fundamental Rule 54-B (2) and (3). But, so far, the respondents have not passed any orders. The petitioner submits that consequent upon non-regularization of the suspension period, the petitioner is not being extended increments and they were stopped from 2013 to 2019, as the disciplinary authority has failed to pass an order in accordance with the Rules. Therefore, the counsel for the petitioner submits that appropriate orders be passed in the writ petition directing the respondents to pass appropriate orders on the representation dated 15.06.2016 in accordance with Fundamental Rule 54-B (2) and (3) and regularize the suspension period.

The learned Government Pleader appearing for the respondents has contended that the case of the petitioner will be considered and appropriate orders would be passed on the representation submitted by the petitioner on 15.06.2016 in accordance with the Rules.

This Court, having considered the rival 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 case of the petitioner for regularization of his suspension period from 27.04.2013 to 07.10.2013 in accordance with Fundamental Rule 54-B (2) and (3) by duly considering the

representation dated 15.06.2016 and pass appropriate orders within eight 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.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

Date: 09-07-2019
Prv

