

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

I.A.No.2 of 2018 in/and W.P. No.4640 of 2018,
C.C.No.980 of 2018 and Suo Motu C.C. No.491 of 2018

COMMON ORDER :

The preliminary facts:

The petitioner belongs to Nalgonda District and is a Graduate.

2. The State Level Police Recruitment Board (for short “the Board”) issued a notification dt.30-12-2018 (2) inviting applications for filling up posts of Stipendiary Cadet Training Police Constable (Civil) (Men) and also A.P.S.P., A.R. etc.

3. Petitioner applied and qualified in the preliminary test i.e. 5 K.Ms. Run on 07-03-2009. He also qualified in the physical measurements test on 21-07-2009 and later in the written test held on 13-09-2009 with Registration No.570151. Results were declared on 14.12.2010.

4. He was provisionally selected for the post of Stipendiary Cadet Training Police Constable (Civil) (Men) in Nalgonda District.

5. He was then called for Medical Examination and after he qualified it, the Superintendent of Police, Nalgonda issued appointment/selection orders vide proceedings C No.356/A1/Rec-2008(2)/2008-2011 dt.15-04-2011 and directed petitioner to report to the DTC, Nizamabad on 17-04-2011 to undergo 9 months induction training commencing from 18-04-2011.

6. Another proceeding was also issued on 11-04-2011 stating that petitioner was selected to the post of Police Constable (Civil) in Nalgonda District Unit and asking him to report to the DTC, Nizamabad. He also executed a security bond on Rs.100/- Non-Judicial stamp paper and was issued identity card with signature of the Superintendent of Police.

7. However, petitioner was informed that he would be sent for training later.

8. Two years elapsed and there was no news and others who were selected along with the petitioner completed their training and also were issued appointment orders and posting orders.

The decision in O.A.No.670 of 2012

9. Others similarly situated like the petitioner filed O.A.No.670 of 2012 before the A.P. Administrative Tribunal.

10. In that O.A., relief was granted to the applicants on 19-06-2012 directing the respondents to send them for training in the ensuing training batch going to commence shortly.

The plea of petitioner in O.A.No.5574 of 2013.

11. Relying on the same, petitioner filed O.A.No.5574 of 2013

12. Relying on the above order passed on 19-06-2012 in O.A.No.670 of 2012, petitioner sought similar relief contending that

otherwise the respondents may not take further steps for sending him for training which was to commence shortly.

13. On 22-07-2013 in O.A.No.5574 of 2013, the Administrative Tribunal passed interim orders directing the respondents to depute the petitioner for training in the post of Stipendiary Cadet Training Police Constable (Civil) (Men) commencing shortly thereafter pursuant to the selection order issued by the Superintendent of Police, Nalgonda on 11-04-2011.

14. Thereafter V.M.A. No.2212 of 2013 was filed to vacate the said order.

15. On 16-04-2014, the Tribunal dismissed V.M.A.No.2212 of 2013 and allowed O.A.No.5574 of 2013 stating that the case of the petitioner is squarely covered by the orders passed by the Tribunal in O.A.No.670 of 2012 on 19-06-2012 and directed the respondents to send the applicant for training in the ensuing training batch going to commence shortly.

16. C.A.No.206 of 2015 was filed under Section 17 of the Administrative Tribunals Act, 1985 r/w Sections 10 to 12 of the Contempt of Courts Act, 1971 to punish the respondents in the O.A.No.5574 of 2013 for contempt and for not implementing the order dt.16-04-2014 in O.A.No.5574 of 2013.

17. The learned Government Pleader on 11-02-2016 stated that the respondents would send the applicant for training in the next batch after verification of antecedents and medical fitness etc.

18. Recording the said concession, the C.A.No.206 of 2015 was closed granting liberty to the applicant to file an application for restoration of the C.A., if he is not sent for training in the next batch, even after complying all the formalities.

19. Thereafter vide proceedings C No.356/A2/SCTPCs-Rectt/2008-17 D.O.No.901/2017 dt.29-05-2017, petitioner was deputed for training commencing from 01-06-2017 to the Police Training College, Karimnagar (13th FC).

Events post 29-5-2017 and W.P.4640/2018 :

20. Petitioner was arrested on 18-01-2018 in connection with Cr.No.164 of 2010 and was released on bail later after a remand report was filed on 19-01-2018 stating that on 12-12-2017, the Investigating Officer came to know that A-53 (the petitioner) and A-55 also allowed impersonators to write examination on their behalf.

21. Admittedly no charge sheet has been filed till date by the respondents in the Criminal Court in relation to Cr. No.164 of 2010.

22. Thereafter, the Inspector General of Police (Training and Legal), Telangana State, Hyderabad issued proceedings Rc.No.114/Trg-1/2018, Office Order No.20/2017 dt.22-01-2018 quoting Rule 6 sub-para (ii) of the Telangana State Police (Stipendiary

Cadet Trainee) Rules, 1999 discharging the petitioner from the post of Stipendiary Cadet Training Police Constable (Civil) (Men) on the ground that he got *involved* in the said criminal case. The Superintendent of Police, Nalgonda and the Principal of the Police Training College, Karimnagar were directed to strike off his name from the Rolls of their Units/Training Centre and were directed to issue discharge order for his discharge.

23. Consequently, the Principal of the Police Training College, Karimnagar issued proceedings C.No.08/A1/PTC/2018 dt.23.01.2018 discharging the petitioner from training from 18.01.2018 and requested the Superintendent of Police, Nalgonda to strike off the name of the petitioner from the rolls of his Unit.

24. This was questioned by the petitioner in W.P.No.4640 of 2018.

25. On 15-02-2018 in I.A.No.1 of 2018 in W.P.No.4640 of 2018, this Court directed the Superintendent of Police, Nalgonda and the Police Training College, Karimnagar to permit the petitioner to complete the induction training for the said post of Stipendiary Cadet Training Police Constable (Civil) (Men) pursuant to the proceedings dt.29-05-2017 since the impugned orders dt.22-01-2018 of the Inspector General of Police (Training), Government of Telangana and Proceedings dt.23-01-2018 of the Principal, Police Training College, Karimnagar amounted to contempt of the order dt.16-04-2014 in O.A.No.5574 of 2014 and the undertaking given on behalf of the respondents on 11-02-2016 in C.A.No.206 of 2015. The Court

suspended the proceedings dt.23-01-2018 of the Principal, Police Training College, Karimnagar. It also issued *Suo Motu* notice to the respondent to show cause why proceedings for Contempt of Court shall not be initiated against them for violation of the above orders. This was numbered as C.C.No.491 of 2018.

C.C.No.980 of 2018

26. As the said order was not implemented, petitioner filed C.C.No.980 of 2018 to punish the respondents under the Contempt of Courts Act, 1971 alleging that petitioner was served on 10.03.2018 a separate order dt.11.02.2018 in C.No.356/A2-RECTT/2008-18, D.No.186/2018 by the Superintendent of Police, Nalgonda striking off petitioner's name from the rolls of the said unit and alleging that serving of the said order on the petitioner is clearly in defiance of the order dt.15.02.2018 in I.A. No.1 of 2018 in W.P. No.4640 of 2018.

27. I.A.No.2 of 2018 is filed to vacate the said order.

COUNTER OF RESPONDENTS IN W.P.NO.4640 of 2018

28. The Inspector General of Police (Training) (4th respondent) filed a counter affidavit along with I.A. No.2 of 2018 contending that though petitioner was provisionally selected for the post of Stipendiary Cadet Training Police Constable (Civil) (Men), he was not sent for training as he was found involved in the criminal case Cr.No.164 of 2010.

29. He contended that the Inspector General of Police (Training) was not made a party in O.A. No.5574 of 2013 filed by the petitioner before the A.P. Administrative Tribunal. In my opinion, he is not entitled to ignore the order dt.29.01.2014 passed therein because the then Government of Andhra Pradesh represented by its Principal Secretary, Home Department, Secretariat, Hyderabad as well as the State Level Police Recruitment Board and the Superintendent of Police, Nalgonda were arrayed as parties in O.A. and the interim order passed therein would apply to and bind the 4th respondent also, whether or not he is a party to the said O.A.

30. It is stated in the counter affidavit of 4th respondent that petitioner was arrested while he was undergoing training in the Police Training College, Karimnagar on 18.01.2018 in connection with Cr.No.164 of 2010 and therefore orders were rightly issued discharging him from training on 22.01.2018 and his name was struck off by the Superintendent of Police, Nalgonda vide order dt.11.02.2018.

31. While admitting that notwithstanding the pendency of Cr.No.164 of 2010, petitioner was sent for training as per the interim order dt.29.01.2014 in O.A. No.220 of 2014, it is contended that petitioner is also an accused in the said case where several candidates got selected by impersonation and was arrested on 18.01.2018. It is contended that because of his arrest, it was necessary to strike off his name from the rolls of the training as well as the unit. Reliance is

placed on the decision of the Supreme Court of India reported in **State of West Bengal Vs. Nazrul Islam**¹ and it is contended that during pendency of criminal case, a candidate is not entitled for selection for appointment till acquittal order is passed.

THE CONSIDERATION BY THE COURT

32. A reading of the said judgment shows that in that case, the respondent before the Supreme Court was provisionally selected as a Police Constable pursuant to a notification issued by the West Bengal Police Directorate and the Medical Board also found him to be medically fit. But the respondent had suppressed the fact that he was involved in a criminal case and a charge sheet was already filed in the said criminal case against him under Sections 148, 323, 380, 427 and 506 IPC before the Court of Additional Chief Judicial Magistrate, Uluberia, Howrah; that he had surrendered before the Court and was granted bail; and he had suppressed these facts in column No.13 of the verification roll submitted by him which required him to state whether he was ever arrested, detained or convicted. The above facts had come to light during antecedent verification. The respondent was not appointed as a Constable. He approached the West Bengal Administrative Tribunal for a direction to issue appointment letter in his favour but it dismissed his O.A., but the High Court in a Writ petition filed against the said order held that the authorities were not entitled to withhold the offer of appointment and directed that

¹ (2011) 10 SCC 184

appointment order be issued to him subject to the result of the pending criminal case. When the State of West Bengal challenged the said order of the High Court, the Supreme Court set aside the order of the High Court. It observed that authorities entrusted with the responsibility of appointing constables were under duty to verify the antecedents of the candidates to find out whether he is suitable for the post of Constable and so long as the candidate has not been acquitted in the criminal case of the above charges, he cannot be possibly held to be suitable for appointment to the post of Constable.

33. Unlike in the above case, the name of the petitioner did not figure in the FIR basing on which Cr.No.164 of 2010 was registered under Section 419, 420, 120 B IPC and Section 3 of the A.P. Public Examinations (Prevention of Malpractices) Act, 1997 on 19.10.2010. From the counter affidavit it is not clear whether petitioner is accused of impersonating somebody else or accused of allowing somebody else of impersonating him.

34. There is a presumption of innocence in criminal law which cannot be lost sight of. Admittedly no charge sheet has been filed against him or any other accused till date i.e. for the last 8 1/2 years and there is no information from the respondents if and when such charge sheet is likely to be filed. But in **Nazrul Islam** (1 supra), not only was a charge sheet filed but petitioner was found to be involved in a criminal case *before* the recruitment itself and had suppressed it.

35. Admittedly several persons similarly situated persons like the petitioner, who had filed O.A. No.670 of 2012, and who had succeeded on 19-6-2012 before the Administrative Tribunal, were not only sent for training but also given regular appointment and posting by the respondents. It appears that the said arrest of the petitioner was probably resorted to vindictively to deny the petitioner the benefit which the other similarly placed persons got and enjoyed pursuant to the orders dt.19.6.2012 in O.A. No.670 of 2012.

36. So the factum of arrest of the petitioner on 18.01.2018 in my considered opinion does not assume any significance because even till date i.e. 1 year 3 months later, no charge sheet has been filed.

37. Also admittedly inspite of the pendency of the criminal case, the respondents had obeyed the order of the Administrative Tribunal dt.16-4-2014 in OA.No.5574/2013 and sent the petitioner for training from 01.06.2017, (after they also agreed before the Tribunal on 11-2-2016 to send the petitioner for training and an order was passed by the Tribunal on that day in C.A.No.206 of 2015), till they halted it from 18.01.2018. It is not a case where in ignorance of his alleged involvement in the criminal case, he was sent for training. Therefore, the above decision in **Nazrul Islam** (1 supra) does not apply to the case of the petitioner.

38. Learned Government Pleader alternatively contended that the petitioner is only a trainee, that he had no right conferred on him to get regular appointment and his case is akin to that of a probationer

and relied upon the decision of the Supreme Court in **State of Punjab Vs. Sukhwinder Singh**².

39. In **Sukhwinder Singh** (2 supra), the respondent had joined on 04.08.1989 as a Police Constable in District Amritsar in the State of Punjab. He was sent for training at Police Recruit Training College, Jahan Khelan. He absented himself from duty w.e.f. 22.02.1990 without making any application for grant of leave or seeking permission for his absence. On 16.03.1990, the Senior Superintendent of Police, Amritsar passed an order discharging him from service w.e.f. 16.03.1990 under the Punjab Police Rules 12.21 “*as he is not likely to become an efficient Police Officer.*” The respondent filed a civil suit to declare the said order as illegal on the ground that no enquiry was conducted and no opportunity for hearing was given. The suit was decreed and confirmed in First Appeal and Second Appeal by the High Court. On further appeal to the Supreme Court, the Supreme Court reversed the decision in favour of the respondent and upheld her discharge. Rule 12.21 of the Rules relied upon by the appellant in that case stated:

“A constable who is found unlikely to prove an efficient police officer may be discharged by the Superintendent at any time within three years of enrolment. There shall be no appeal against an order of discharge under this Rule.”

The Supreme Court held that during the course of training, a Constable is under surveillance and close supervision, that he has no

² 2005 (5) SCC 569

right to the post and his services are terminable at any time during the period of three years; and he can secure his position in the service only if he convinces the Superintendent of Police that he is likely to prove an efficient Police Officer. It held that if on a consideration of the relevant material, the Superintendent of Police finds that a particular Constable is not active, disciplined, self reliant, punctual, sober, courteous or straight forward or that he does not possess the knowledge or the technical details of the work required of him, he can reasonably form an opinion that he is not likely to prove an efficient Police Officer and then he can invoke rule 12.21 and discharge the Constable from the force. It rejected the contention that the discharge order was founded upon an act of misconduct i.e., continuous absence from duty of the respondent; that the order of discharge was in fact an order of dismissal by way of punishment; and since no formal enquiry was held and the respondent was not given opportunity to defend himself, the said order is illegal. It observed that *termination of service of a probationer during or at the end of period of probation will not ordinarily and by itself be a punishment*. It also held that mere holding of a preliminary enquiry where explanation is called from an employee would not make an otherwise innocuous order of discharge or termination of service punitive in nature.

40. The facts of the above decision indicate that when, *during the course of training* of a Police Constable, his performance or conduct

is not satisfactory, he can be discharged from service by an innocuous order.

41. In the instant case, it is not the case of the respondents that there was any misconduct committed by the petitioner *during training* or that his performance during training was not satisfactory is not the case of the respondents at all. It is their case that the alleged misconduct occurred at the time of the written examination held on 13.09.2009 long before the training commenced.

42. In the orders dt.22.01.2018 of the Inspector General of Police as well as the order dt.11.02.2018 of the Superintendent of Police, Nalgonda there is a specific reference to the alleged involvement of the petitioner in the criminal case Cr.No.164 of 2010 and also reference to Rule 6 sub para 2 of T.S. Police Academy (Stipendiary Cadet Trainee) Rules, 1999 and the factum of his arrest on 29.01.2018. Thus it was not an innocuous order of discharge as in **Sukhwinder Singh** (2 supra). Rule 6 of the above Rules states:

“Discipline:

The trainees shall adhere to discipline and good conduct in the training institutions and show satisfactory progress during the period of training. The trainees shall be discharged from training without assigning any reason and without issuance of any prior notice to them for unsatisfactory conduct of unsatisfactory performance.....”

The above Rule is attracted only if the conduct or performance of the petitioner *in the training institution* is unsatisfactory or where he

did not adhere to discipline and good conduct *there*. As already stated it is not the case of the respondents that there was any misconduct committed by the petitioner *during* training or that his performance during training was not satisfactory at all. It is their case that the alleged misconduct occurred at the time of the written examination held on 13.09.2009 long before the training commenced. So the decision in **Sukhwinder Singh** (2 supra) has not application to the instant case.

43. In **Radhy Shyam Gupta Vs. U.P. State Agro Industries Corporation Limited and Another**³, the Supreme Court held after considering all the earlier cases including the 7 Judge Bench decision in **Samsher Singh Vs. State of Punjab**⁴ and **Gujarat Steel Tube Limited Vs. Gujarat Steel Tubes Mazdoor Sabha**⁵ that a termination effected because the master is *satisfied of the misconduct* and of the consequent desirability of terminating the service of the delinquent servant, is a dismissal, even if he had the right in law to terminate with an innocent order under the standing order or otherwise. Whether, in such a case the grounds are recorded in a different proceeding from the formal order does not detract from its nature. Nor the fact that, after being *satisfied* of the guilt, the master abandons the enquiry and proceeds to terminate. *Given an alleged misconduct and a live nexus between it and the termination of service,*

³ (1999) 2 SCC 21

⁴ (1974) 2 SCC 831

⁵ (1980) 2 SCC 593

the conclusion is dismissal, even if full benefits as on simple termination, are given, and non injurious terminology is used.

44. On the contrary, even if there is *suspicion* of misconduct, the master may say that he does not wish to bother about it and may not go into his guilt, but may feel like not keeping a man he is not happy with. He may not like to investigate nor take the risk of continuing a dubious servant. Then it is not a dismissal but termination simpliciter, if no injurious record of reasons is found.

45. The Court explained that *it will be a case of motive if the master, after gathering some prima facie facts, does not really wish to go into their truth but decides merely not to continue a dubious employee. The master does not want to decide or direct a decision about the truth of the allegations. But if he conducts an enquiry only for the purpose of proving the misconduct and the employee is not heard, it is a case where the enquiry is the foundation and the termination will be bad.*

46. In **Dipti Prakash Banerjee Vs. Satyendra Nath Bose National Centre for Basic Sciences, Calcutta and others**⁶ the Supreme Court again explained in what circumstances an order of termination of a probationer can be said to be punitive and observed that it depends upon *whether the allegations which are the cause of the termination are the motive or foundation*. It observed that if findings were arrived at in an enquiry as to misconduct, behind the

⁶ (1999) 3 SCC 60

back of the Officer or without a regular departmental enquiry, the simple order of termination is to be treated as “*founded*” on the allegations and it will be bad in law.

47. But if the enquiry was not held, no findings were arrived at and the employer was not inclined to conduct an enquiry but, at the same time, he did not want to continue the employee against whom there were complaints, it would only be a case of *motive* and the order will not be bad. It observed that similar is the position if the employer did not want to enquire into the truth of the allegations because of delay in regular departmental proceedings or he was doubtful about securing evidence. In such circumstances it held that allegations would be the *motive* and not the *foundation* and the simple order of termination would be valid.

48. In **Ratnesh Kumar Choudhary v. Indira Gandhi Institute of Medical Sciences**⁷, the Supreme Court applied **Radhy Shyam Gupta** (4 Supra) and observed:

“27. In the case at hand, it is clear as crystal that on the basis of a complaint made by a Member of the Legislative Assembly, an enquiry was directed to be held. It has been innocuously stated that the complaint was relating to illegal selection on the ground that the appellant did not possess the requisite qualification and was appointed to the post of Chest Therapist. The report that was submitted by the Cabinet (Vigilance) Department eloquently states about the conduct and character of the appellant. The stand taken in the counter-affidavit indicates about the behaviour of the appellant. It is also noticeable that the authorities after issuing the notice to show cause and obtaining a reply from the delinquent

⁷ (2015) 15 SCC 151

employee did not supply the documents. Be that as it may, no regular enquiry was held and he was visited with the punishment of dismissal. It is well settled in law, if an ex parte enquiry is held behind the back of the delinquent employee and there are stigmatic remarks that would constitute foundation and not the motive. Therefore, when the enquiry commenced and thereafter without framing of charges or without holding an enquiry the delinquent employee was dismissed, definitely, there is clear violation of principles of natural justice. It cannot be equated with a situation of dropping of the disciplinary proceedings and passing an order of termination simpliciter. In that event it would have been motive and could not have travelled to the realm of the foundation. We may hasten to add that had the appellant would have been visited with minor punishment, the matter possibly would have been totally different. That is not the case. It is also not the case that he was terminated solely on the ground of earlier punishment. In fact, he continued in service thereafter. As the report would reflect that there are many an allegation subsequent to the imposition of punishment relating to his conduct, misbehaviour and disobedience. The Vigilance Department, in fact, had conducted an enquiry behind the back of the appellant. The stigma has been cast in view of the report received by the Central Vigilance Commission which was ex parte and when that was put to the delinquent employee, holding of a regular enquiry was imperative. It was not an enquiry only to find out that he did not possess the requisite qualification. Had that been so, the matter would have been altogether different. The allegations in the report of the Vigilance Department pertain to his misbehaviour, conduct and his dealing with the officers and the same also gets accentuated by the stand taken in the counter-affidavit. Thus, by no stretch of imagination can it be accepted that it is termination simpliciter. The Division Bench has expressed the view that no departmental enquiry was required to be held as it was only an enquiry to find out the necessary qualification for the post of Chest Therapist. Had the factual score been so, the said analysis would have been treated as correct, but unfortunately the exposition of factual matrix is absolutely different. Under such circumstances, it is extremely difficult to concur with the view expressed by the Division Bench.”

49. In a somewhat similar situation akin to the facts in the instant case, where services of an employee on probation were terminated for alleged malpractice in examination, the Supreme court held in **SBI v. Palak Modi**⁸, as under:

“6. There is a marked distinction between the concepts of satisfactory completion of probation and successful passing of the training/test held during or at the end of the period of probation, which are sine qua non for confirmation of a probationer and the Bank’s right to punish a probationer for any defined misconduct, misbehaviour or misdemeanour. In a given case, the competent authority may, while deciding the issue of suitability of the probationer to be confirmed, ignore the act(s) of misconduct and terminate his service without casting any aspersion or stigma which may adversely affect his future prospects but, if the misconduct/misdemeanour constitutes the basis of the final decision taken by the competent authority to dispense with the service of the probationer albeit by a non-stigmatic order, the Court can lift the veil and declare that in the garb of termination simpliciter, the employer has punished the employee for an act of misconduct.

37. The use of unfair means in the evaluation test/confirmation test held by the Bank certainly constitutes a misconduct. The Bank itself had treated such an act to be a misconduct (Para 10 of Advertisement dated 1-7-2008). It is not in dispute that the services of the private respondents were not terminated on the ground that there was any deficiency or shortcoming in their work or performance during probation or that they had failed to satisfactorily complete the training or had failed to secure the qualifying marks in the test held on 27-2-2011. As a matter of fact, the note prepared by the Deputy General Manager, which was approved by the General Manager makes it crystal clear that the decision to dispense with the services of the private respondents was taken solely on the ground that they were guilty of using unfair means in the test held on 27-2-2011. To put it differently, the foundation of the action taken by the General Manager was the accusation that while appearing in the objective test, the private

⁸ (2013) 3 SCC 607

respondents had resorted to copying. IBPS had relied upon the analysis made by the computer and sent a report to the Bank that 18 candidates were suspected to have used unfair means. The authority concerned then sent for the chart of seating arrangement and treated the same as a piece of evidence for coming to the conclusion that the private respondents had indeed used unfair means in the examination. This exercise was not preceded by an inquiry involving the private respondents and no opportunity was given to them to defend themselves against the charge of use of unfair means. In other words, they were condemned unheard which, in our considered view, was legally impermissible."(emphasis supplied)

50. In the instant case too, when the alleged malpractice in the examination is the *foundation* for the discharge of the petitioner from training and striking him off the rolls of the Unit and the order of discharge mentions his involvement in the criminal case registered with the said alleged malpractice, the respondents cannot contend that no enquiry is warranted and his discharge has to be upheld.

51. Also when the respondents themselves had implemented the order of the Administrative Tribunal in O.A.No.5574 of 2013 and sent him for training *subject to* the result of the above criminal proceedings, and they had implemented without any challenge the order of the Administrative Tribunal for other employees who were also similarly situated like the petitioner in O.A.No.670 of 2012, the respondents cannot act arbitrarily and discriminate against the petitioner by issuing the impugned orders Rc.No.114/Trg-1/2018, Office Order No.20/2017 dt.22-01-2018 of the Inspector General of Police as well as the order C.No.356/A2-RECTT/2008-18, D.No.186/2018 dt.11.02.2018 of the Superintendent of Police,

Nalgonda and proceedings C.No.08/A1/PTC/2018 dt.23.01.2018 of the Principal, Police Training College, Karimnagar discharging him from service and training without even a charge sheet being filed in the Criminal case 8 ½ years after the alleged malpractice, and without conducting any enquiry against him where he could have defended himself. This would be also a grave violation of principles of natural justice.

52. Therefore the impugned orders Rc.No.114/Trg-1/2018, Office Order No.20/2017 dt.22-01-2018 of the Inspector General of Police as well as the order C.No.356/A2-RECTT/2008-18, D.No.186/2018 dt.11.02.2018 of the Superintendent of Police, Nalgonda and proceedings C.No.08/A1/PTC/2018 dt.23.01.2018 of the Principal, Police Training College, Karimnagar discharging him from service and training cannot be sustained. They are accordingly set aside and the W.P.No.4640 of 2018 is allowed with costs of Rs.10,000/- to be paid by the 1st respondent to the petitioner; I.A.No.2/2018 in W.P.No.4640 of 2018 is dismissed; and the respondents are directed to forthwith permit the petitioner to complete the balance of training in the next batch and give him appointment and posting subject to the result of Cr.No.164/2010.

CONSIDERATION OF SUO MOTO CC.No.491 and CC.No.980 of 2018

53. Coming to the Contempt Cases, since I.A.No.2 of 2018 filed to vacate the order dt.15-02-2018 in I.A.No.1 of 2018 in W.P.No.4640

of 2018 was pending till date, I do not wish to punish the respondents for alleged willful disobedience of the said order.

54. Accordingly, both the C.C.Nos.491 and 980 of 2018 is dismissed. No costs.

55. In the result:

(a) Rc.No.114/Trg-1/2018, Office Order No.20/2017 dt.22-01-2018 of the Inspector General of Police as well as the order C.No.356/A2-RECTT/2008-18,D.No.186/2018 dt.11.02.2018 of the Superintendent of Police, Nalgonda and proceedings C.No.08/A1/PTC/2018 dt.23.01.2018 of the Principal, Police Training College, Karimnagar discharging petitioner from service and training are set aside and the W.P.No.4640 of 2018 is allowed with costs of Rs.10,000/- to be paid by the 1st respondent to the petitioner; I.A.No.2/2018 in W.P.No.4640 of 2018 is dismissed; and the respondents are directed to forthwith permit the petitioner to complete the balance of training in the next batch and give him appointment and posting subject to the result of Cr.No.164/2010; and

(b) C.C.No.491 and 980 of 2018 are dismissed. No costs.

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

JUSTICE M.S.RAMACHANDRA RAO

Date: 26.04.2019

Vsv/Lsk