

**HONOURABLE SRI JUSTICE P.NAVEEN RAO**

**WRIT PETITION NO.19021 OF 2019**

**Date: 30.08.2019**

Between:

Smt Shaheen Sultana, w/o. Md.Vahazuddin,  
Aged 34 years, occu: Asst.Public Prosecutor at  
Prl.Judicial First Class Magistrate (Agency) Court,  
Manchiryal, Manchiryal district.

....Petitioner

and

The State of Telangana, rep.by its Prl.Secretary,  
Law (LA & J.Home Cts.A2) Department,  
Secretariat, Hyderabad and another.

.....Respondents



The Court made the following:

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**ORDER:**

Petitioner was placed under suspension on 03.04.2014 on the allegation of registering of Crime No.27/2017 under Sections 498-A and 304-B of IPC and Sections 3 & 4 of Dowry Prohibition Act in NTPC Police Station and she was in judicial custody from 18.03.2014 to 04.04.2014. Pursuant to the interim orders granted by Andhra Pradesh Administrative Tribunal, Hyderabad, in O.A.No.4113 of 2014, petitioner was reinstated by orders dated 23.07.2014. In Crime No.27/2014 charge-sheet was filed. The Criminal Court took cognizance of the charges and conducted trial in Sessions Case No.82 of 2017. By judgment dated 20.03.2019, VI Additional Sessions Judge, Godavarikhani, found the petitioner not guilty of the offences under Sections 498-A, 304-B of IPC and under Sections 3 and 4 of Dowry Prohibition Act, and accordingly acquitted the petitioner.

2. Petitioner now claims that consequent to the acquittal granted by the Court, the order of suspension becomes illegal. Therefore, petitioner is entitled to treatment of the period of suspension as on duty and also for release of annual increments due and payable to the petitioner. It appears, so far no representation is made by the petitioner bringing to the notice of the employer the judgment rendered by VI Additional Sessions Judge, Godavarikhani, but straightaway instituted this Writ Petition.

3. Learned counsel for petitioner also contends that in addition to issue of not regularizing period of suspension, the services are

also not regularized though she was regularly appointed. This is an independent issue from the issue of regularization of period of suspension and acquittal granted to the petitioner by the Criminal Court. If the petitioner has serious grievance on regularization, it is also open to him to make a representation and the same shall be objectively considered by the competent authority.

4. No doubt on acquittal Officer is entitled to all the benefits, more so, if suspension was only on account of involvement in a criminal case, but whether any other action was initiated against petitioner is not known. Petitioner therefore ought to have made a representation to the competent authority enclosing copy of the judgment and make a request for granting service benefits as claimed in this Writ Petition, but cannot directly institute the Writ Petition. Petitioner may have grievance only if claim of the petitioner is not accepted by the competent authority. This Court is not inclined to grant relief as prayed for in the Writ Petition. Writ Petition is disposed of, granting liberty to the petitioner to make an application to the 2<sup>nd</sup> respondent placing before him the judgment rendered by the trial Court and request for regularization of period of suspension and to release the annual increments. It is needless to observe that if such request is made, the same shall be considered objectively, having regard to the law on subject and decide the matter within four weeks from the date of receipt of copy of representation by the petitioner. Pending miscellaneous petitions shall stand closed.

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**JUSTICE P.NAVEEN RAO**

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kkm

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