

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.20630 OF 2019

ORDER:

This writ petition is being disposed of at the admission stage with the consent of both parties.

This writ petition is filed seeking a writ of Mandamus to declare the action of the respondents in referring the case of the petitioner to the TDP along with others vide Letter No.5026/Tr.(&V)/2/2015, dt.21.07.2016, even though he was absent for duties after intimation, due to ill health and making inordinate delay in concluding the proceedings, as illegal, arbitrary, discriminatory and violative of Articles 14 and 16 of the Constitution of India and sought a consequential direction to drop the case against the petitioner, by withdrawing his name from the TDP case (or) alternatively direct the respondents to conclude the proceedings within reasonable time.

Heard Sri P. Amarender, counsel for the petitioner, and Government Pleader for Services-III.

It has been contended by the petitioner that he is going to retire from service as Head Constable on 31.12.2019. The petitioner has further submitted that on the intervening night of 17/18.01.2014, a surprise check was conducted by the ACB authorities in Shahpur check post of Shamshabad and based upon the said surprise check, the matter was referred to the Tribunal for Disciplinary Proceedings and the name of the petitioner was also included in the said proceedings.

Counsel for the petitioner contended that when the surprise check was undertaken by the ACB authorities at Shahpur check post of Shamshabad, the petitioner was absent due to ill health, after intimation, but the respondents have referred the case of the petitioner to the Tribunal for Disciplinary Proceedings vide proceedings dated 21.07.2016. Counsel for the petitioner further contended that as the case of the petitioner is pending before the Tribunal for Disciplinary Proceedings, the respondents are not releasing the pensionary benefits and other retiral benefits of the petitioner and also the disciplinary proceedings said to have been initiated against the petitioner are not concluded. The counsel also contended that since the petitioner is prepared to submit a representation to the 1st respondent within two weeks requesting the 1st respondent to exonerate him from the Disciplinary Proceedings by duly taking into account the fact that he was not on duty on the date of surprise check, let the 1st respondent pass appropriate orders on the said representation in accordance with law.

Government Pleader appearing for the respondents has contended that as the petitioner is willing to submit a representation to the 1st respondent requesting to drop Disciplinary Proceedings, the 1st respondent would consider the same and pass appropriate orders within a reasonable period of time.

This Court, having considered the submissions of learned counsel for respective parties, is of the considered view that

without expressing any opinion on the merits of the case, this writ petition can be disposed of directing the petitioner to submit a representation to the 1st respondent within two weeks from the date of receipt of a copy of this order and upon receipt of such representation, the 1st respondent shall consider the same and pass appropriate orders, in accordance with law, within a period of six weeks thereafter.

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

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

22.11.2019
dv

