

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.40910 of 2014

ORDER:

This writ petition is filed seeking a Writ of Mandamus declaring the impugned order dated 13.11.2014, passed by the 1st respondent terminating the services of petitioner without issuing any notice and without following the procedure contemplated under the Law, basing on the antecedent report submitted by the Superintendent of Police, Adilabad, as illegal, arbitrary and unjust and to set aside the same.

2. Heard learned counsel for the parties.
3. It has been contended by the petitioner that he was appointed with the respondents on compassionate grounds on 10.09.2012 as Badili Coal Filler. While the petitioner was discharging his duties as Badili Coal Filler, respondents have terminated his services vide proceedings dated 13.11.2014 on the ground that the petitioner was involved in Crime No.63 of 2011 of P.S.Thallagurijala for the offences under Sections 302, 102(b), 404 r/w.109 of IPC and in Crime No.8 of 2012 of P.S.Bellampalli Town for the offences under Sections 467 and 506 of IPC, but he has not disclosed about the pendency of those criminal cases and it was only during the antecedent verification, respondents found that criminal cases were pending against the petitioner. On the above said ground, the petitioner was terminated from service.

4. Counsel for petitioner submits that with regard to above crimes, the petitioner was tried by the competent Criminal Courts. It is submitted that with regard to Crime No.63 of 2011 of P.S.Thallagurijala, the petitioner was acquitted by the Court of III Additional District & Sessions Judge, Asifabad, by judgment dated 27.04.2017 in S.C.No.99 of 2014 and with regard to Crime No.8 of 2012, the petitioner was acquitted by the Judicial Magistrate of First Class, Bellampalli, by judgment dated 25.03.2019, in C.C.No.745 of 2014.

5. Counsel for petitioner further submits that since the basis for termination of petitioner's services has been taken away with the acquittal of petitioner in criminal cases, the case of the petitioner deserves to be re-considered for continuation in service with the respondents. Therefore, he submits that appropriate orders be passed in the writ petition directing the respondents to re-consider the case of the petitioner by duly taking into account the fact that the petitioner was acquitted by the competent Criminal Courts.

6. The learned Standing Counsel appearing for respondents has contended that if the petitioner submits a representation, his case would be considered and appropriate orders would be passed in accordance with law.

7. This Court, having considered the rival submissions of the parties, is of the considered view that this writ petition can be

disposed of directing the petitioner to submit a fresh representation to the respondents within two weeks from the date of receipt of a copy of this order staking his claim for reinstatement into service in view of his acquittal by competent Criminal Courts subsequently during the pendency of this writ petition. Upon such representation being received, the respondents shall consider the same and pass appropriate orders in accordance with law in another Six weeks thereafter.

8. With these observations, the writ petition is disposed of.
No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

28th August, 2019

ajr