

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION (TR) No.3177 of 2017

ORDER:

This transfer writ petition is filed challenging the dismissal order dated 19.12.2014 on the ground that the same has been issued without following the due process of law and without giving any opportunity to the petitioner.

2. Heard Sri D. Balakishen Rao, counsel for petitioner and the Special Government Pleader for Home Services, appearing for respondents.

3. It has been contended by the petitioner that he was appointed as a Police Constable during January 1992 and since then, he has been discharging his duties to the best satisfaction of his superiors and everyone concerned. Petitioner further contended that his wife filed a case against him under Section 498-A of IPC in C.C.No.449 of 2011 and the petitioner was tried by the Special Judicial First Class Magistrate, Nizamabad and the said Court had convicted the petitioner for the offence under Section 498-A of IPC, vide orders dated 12.12.2014. Based upon the said conviction by the competent criminal court, the services of petitioner were terminated vide impugned order dated 19.12.2014. Challenging the same, the present writ petition is filed.

4. The petitioner further submits that he preferred Criminal Appeal No.2 of 2015 before the Family Court-cum-Additional District and Sessions Court, Nizamabad and the said Court was pleased to allow the appeal vide orders dated 08.08.2018 and set aside the conviction ordered by the First Class Magistrate Court. Thereafter, the petitioner has submitted a

detailed representation to the respondents on 23.11.2018 requesting them to reinstate him into service by duly taking into account the acquittal judgment rendered by the appellate Court. So far, the respondents have not passed any orders on the said representation nor reinstated the petitioner into service.

5. Learned counsel for petitioner contended that appropriate orders be passed in the writ petition directing the respondents to consider the representation submitted by the petitioner on 23.11.2018 and pass appropriate orders in accordance with law.

6. The learned Special Government Pleader submits that the case of the petitioner would be considered and appropriate orders would be passed on the representation submitted by the petitioner in accordance with law.

7. This Court, having considered the rival submissions made by the parties, is of the considered view that this writ petition can be disposed of directing the respondents to consider the representation submitted by the petitioner on 23.11.2018 and pass appropriate orders in accordance with law within a period of Six weeks from the date of receipt of a copy of this order.

8. The writ petition is accordingly disposed of. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

10th June, 2019

ajr