

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.37945 of 2014

ORDER:

With the consent of both the counsel, this writ petition is being disposed of at the stage of admission.

This writ petition is filed seeking the following relief :-

“.....to issue writ of mandamus or direct the respondent to take final decision in petitioner case for conferring gallantry award and related benefits”.

Heard Mr.Mahmood Ali, the learned counsel for petitioner and Mr.K.Lakshman, the learned Assistant Solicitor General for 2nd respondent.

It has been contended by the petitioner that he is a senior IPS officer and working as Additional Director General of Police. He has achieved record breaking performance against extremists in the State of Andhra Pradesh and criminals in Bihar and he is entitled for Gallantry award and the 1st respondent has also recommended his case to the 2nd respondent vide Memo dated 15.04.2004. The 2nd respondent has passed a very cryptic order and rejected the case of the petitioner.

The learned counsel for the petitioner has contended that the 2nd respondent ought to have considered the recommendations made by the 1st respondent and passed a speaking order by giving reasons. But, the 2nd respondent has

rejected the case of the petitioner vide proceedings dated 06.04.2004, which reads as follows :-

“I am directed to refer to your letter No.25359/ SCB/ A1/ 2003-3 dated 25th July, 2003 on the above subject and to say that the above proposal was considered carefully in this Ministry but it is regretted that the same has not been approved.”

Except stating the above, no reasons were forthcoming from the 2nd respondent. Therefore, appropriate orders be passed in the writ petition directing the 2nd respondent to reconsider the recommendations made by the 1st respondent and pass appropriate orders in accordance with law.

The learned Assistant Solicitor General appearing for the 2nd respondent has contended that if the petitioner submits fresh representation to the 1st respondent and if the 1st respondent recommends the case of the petitioner, the 2nd respondent would consider and pass appropriate orders in accordance with law.

This Court, having considered the rival submissions of the learned counsel for the respective parties, is of the considered view that this writ petition can be disposed of directing the petitioner to submit a fresh representation to the 1st respondent within two weeks from the date of receipt of a copy of this order. Upon such representation being received, the 1st respondent shall forward/recommend the same to the 2nd respondent in another four weeks. Upon such recommendation being

received, the 2nd respondent shall consider the same and pass a detailed speaking order in another eight weeks.

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

As a sequel, miscellaneous petitions pending, if any, in this writ petition shall stand closed.

JUSTICE ABHINAND KUMAR SHAVIL

24.06.2019
Prv



