

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.26163 of 2008

ORDER:

This writ petition is filed seeking to issue a writ of Certiorari calling for the records relating to and connected with the impugned memo dated 15.11.2008 issued by the Chairman and Managing Director, Central Power Distribution Company of A.P. Limited, Hyderabad and set aside the same and sought a consequential direction to hold that the petitioner is entitled to continue in service as Assistant Engineer pending disposal of Criminal Appeal No.1306 of 2008 with all consequential benefits.

Heard learned counsel for the petitioner and the learned Standing Counsel appearing for the respondents.

It has been contended by the petitioner that he was working as Assistant Engineer and while he was discharging his duties, he was falsely implicated in an ACB case being C.C.No.25 of 2004 on the file of the Additional Special Judge for SPE & ACB cases, City Civil Court, Hyderabad, and the learned Special Judge had convicted him on 06.10.2008, and based upon the conviction, he was dismissed from service vide proceedings dated 15.11.2008. The petitioner further contends that the disciplinary authority has dismissed him from service only on the ground of conviction recorded in C.C.No.25 of 2004, but no independent enquiry was conducted. Thereafter, aggrieved by the judgment rendered by the Additional Special Judge for SPE & ACB Cases in C.C.No.25 of 2004, the petitioner has preferred Criminal Appeal

No.1306 of 2008 before this Court and the same was allowed on 14.12.2018 and the conviction and sentence imposed by the Special Judge were set aside.

Learned counsel for the petitioner contends that the basis for dismissing the petitioner is no longer there, as the conviction was set aside by this Court in Criminal Appeal No.1306 of 2008 and the petitioner was acquitted of the criminal charge, therefore, the case of the petitioner deserves to be considered for re-induction into service as Assistant Engineer and to that effect, the petitioner has submitted a representation to the respondents on 08.03.2019. Learned counsel for the petitioner, therefore, contends that appropriate orders be passed in the writ petition directing the respondents to consider the representation submitted by the petitioner and also to consider the case of the petitioner for reinstatement into service by duly taking into account the judgment rendered in Criminal Appeal No.1306 of 2008 dated 14.12.2018 and pass appropriate orders.

Learned Standing Counsel appearing for the respondents had submitted that the case of the petitioner would be reconsidered and appropriate orders will be passed on the representation submitted by the petitioner in accordance with law.

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 08.03.2019 by duly taking into account the judgment passed in Criminal Appeal No.1306 of 2008 dated 14.12.2018 and pass

appropriate orders in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

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

Pending miscellaneous applications, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

16th April 2019
v v

