

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION (TR).No.2444 of 2017

ORDER:

With the consent of both the parties, this Writ Petition is disposed of at the admission stage.

This Writ Petition is filed for the following relief:

“.....direct the Respondent No.3 and 4 to admit the applicant into service as Chainman in the Office of the 4th respondent and pay the salary and other emoluments from July, 2008 to till date treating the period as compulsory wait and while holding not admitting the applicant into Service as Chainman is illegal, arbitrary and against Articles 14, 16 and 21 of the Constitution of India.....”

Heard Sri B.Venkata Ramana Murthy, learned counsel for the petitioner and the learned Government Pleader for Services-II.

It has been contended by the petitioner that he was initially appointed as Chainman with the respondents and while he was discharging his duties as Chainman, a false criminal case has been registered against him vide CC.No.400/2009 dated 08.01.2011, wherein the petitioner was shown as accused No.2 for the offences punishable under Sections 419, 420, 468 and 506 of IPC. Petitioner further contends that since a criminal case was registered against him, the Tahsildar under whom he was working has not allowed him to discharge his duties and finally the competent Criminal Court dismissed CC.No.400 of 2009 vide order dated 08.04.2011. Thereafter, the petitioner submitted a representation on 18.07.2011 to the

respondents seeking permission to join the duty. But the respondents neither considered the representation of the petitioner nor permitted him to join the duty. In those set of circumstances, petitioner filed O.A.No.4186 of 2014 before the Tribunal and the Tribunal vide order dated 15.07.2014 granted interim order but the said orders were not complied with by the respondents and the said O.A. was transferred to this Court and numbered as W.P(TR).No.2444 of 2017.

Learned counsel for the petitioner contends that appropriate orders be passed in the writ petition directing the respondents to permit the petitioner to join the duty and pay the salary and other emoluments from July 2008 to till date treating the period as compulsory wait.

Learned Government Pleader appearing for the respondents contends that since petitioner had already submitted representation 18.07.2011, the respondents would consider and pass appropriate orders in accordance with law.

This Court, having considered the rival submissions made by the learned counsel on either side, is of the considered view that this writ petition can be disposed of directing the petitioner to submit a fresh representation to the respondents seeking reinstatement into service, within a period of two weeks from today and upon such representation being received, the respondents shall consider the existing representation and also the representation which the petitioner would be submitting

afresh and pass appropriate orders in accordance with law in another four weeks thereafter.

With the above observations, the Writ Petition is disposed of. No order as to costs.

As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

10.07.2019
dv

