

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.25907 of 2018

ORDER:

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

2. Learned counsel for the petitioner submits that the issue raised in this writ petition is squarely covered by the judgment rendered by this Court in W.P.No.19884 of 2017, dated 11.08.2017.

3. He further submits that the petitioner was initially engaged as Home Guard and while discharging his duties, the respondents herein had removed him from service on the ground that he failed to discharge his legitimate duties and exhibited gross negligence.

4. He further submits that similar issue fell for consideration before the Division Bench of this Court in W.P.No.19884 of 2017 and this Court was pleased to confirm the orders passed by the Tribunal in O.A.No.7050 of 2014 dated 03-09-2015, wherein the Tribunal had directed the respondents therein to reinduct the applicants into service as Home Guards. The State has challenged the said orders by filing W.P.No.19884 of 2017 and this Court by order dated 11-08-2017 had dismissed the said Writ Petition confirming the orders passed by the Tribunal. Therefore, he submits that the case on hand is also similar as the petitioner was removed from service only on the ground that he failed to discharge his legitimate duties and exhibited gross negligence.

5. Learned government Pleader for respondents submits that the case of the petitioner would be considered by the respondents and appropriate orders will be passed on the representation submitted by the petitioner.

6. Having regard to the rival submissions made by the parties, this Court 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 and upon such representation being received, the respondents shall consider the case of the petitioner in terms of the law laid down by this Court in W.P.No.19884 of 2017 dated 11.08.2017 and pass appropriate orders in four weeks thereafter.

7. With these observations, the Writ Petition is disposed of. No costs.

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

ABHINAND KUMAR SHAVILI, J

12th July 2019

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