THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.26384 OF 2018

ORDER:

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

This writ petition is filed seeking a Writ of Mandamus to declare the action of the respondents in not considering the claim of the petitioner for reinstatement into service by reviewing the orders of removal issued vide proceedings dated 24.04.2007 in view of his acquittal in C.C.No.2354 of 2008 dated 27.03.2018 as illegal, arbitrary and unconstitutional and sought a consequential direction to the respondents to consider the claim of the petitioner for reinstatement into service by reviewing the removal orders issued vide proceedings dated 24.04.2007 consequent upon his acquittal in C.C.No.2354 of 2008 dated 27.03.2018 with all consequential benefits.

Heard Sri A. Ravinder, learned counsel for the petitioner, and the learned Government Pleader for Services.

It has been contended by the petitioner that he was initially appointed as Panchayat Secretary during August, 2003 on contract basis. The petitioner further submits that while he was discharging his duties during April, 2007, it was alleged that he has forged the signature of the Mandal Revenue Officer and issued pattadar pass books to some of the individuals, and based upon such allegation, he was removed from service vide proceedings dated 24.04.2007. The petitioner further submits that on the very same set of allegations, a criminal case was also lodged against the petitioner and by judgment dated 27.03.2018 in C.C.No.2354 of 2008, the competent criminal court i.e., I-Additional Judicial Magistrate of First Class, Huzurabad acquitted the petitioner after regular trial and thereafter

the petitioner has submitted a representation to the respondents requesting to consider his case for reinstatement into service by reviewing the removal orders by duly taking into account his acquittal in C.C.No.2354 of 2008 on the file of the I-Additional Judicial Magistrate of First Class, Huzurabad. The petitioner further submitted that he has preferred an appeal to the 2nd respondent on 24.05.2018 and the same is pending.

Learned counsel for the petitioner submitted that the case of the petitioner for his reinstatement into service can be considered by taking into account his acquittal in C.C.No.2354 of 2008. Learned counsel further submitted that let the 2nd respondent consider the appeal preferred by the petitioner on 24.05.2018 and pass appropriate orders thereon in accordance with law.

Learned Government Pleader appearing for the respondents submitted that the case of the petitioner would be considered and appropriate orders would be passed on the appeal preferred by the petitioner in accordance with law.

This Court, having considered the submissions made by both parties, is of the considered view that this writ petition can be disposed of directing the 2nd respondent to consider the appeal preferred by the petitioner on 25.04.2018 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.

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

Pending miscellaneous applications, if any, shall stand closed.

ABHINAND KUMAR SHAVILI,J

17th June, 2019
v v