

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.7801 of 2015

ORDER:

This writ petition is filed seeking a Writ of Mandamus declaring the proceedings dated 16.01.2013 issued by the 3rd respondent, as arbitrary, illegal and violative of principles of natural justice and sought a consequential direction to set aside the said proceedings and direct the respondents to reinstate the petitioner into service with all consequential benefits.

2. Heard Sri B.Sravan Kumar, counsel for petitioner and Sri Zakir Ali Danish, Standing Counsel for the respondents.

3. It has been contended by the petitioner that he was appointed as contract Junior Lineman with the 3rd respondent. While he was discharging his duties, the respondents have terminated the services of petitioner on the ground that a criminal case has been registered against the petitioner in Crime No.77 of 2012 on the file of Kataram Police Station for the offence under Section 304-A of IPC. Counsel for petitioner contends that the petitioner was tried by the competent criminal Court in C.C.No.70 of 2017 (New)/C.C.No.230 of 2012 (Old) and was acquitted of the said criminal charge by judgment dated 10.04.2018. Therefore, counsel for petitioner contends that in view of the acquittal by the competent criminal Court, the case of the petitioner deserves to be reconsidered for appointment as Junior Lineman. Therefore, counsel for petitioner contends that appropriate orders be passed in the writ petition directing the respondents to reconsider the case of the petitioner in view of his acquittal in criminal case and pass appropriate orders in accordance with law.

4. The Standing Counsel appearing for respondents contends that the petitioner was appointed on contract basis on yearly basis and because of the

negligence of the petitioner, a fellow workman had lost his life. Therefore, a criminal case was registered against the petitioner for the offence under Section 304-A of IPC and petitioner was arrested by the Police and he was enlarged on bail. Since the petitioner had negligently acted, which resulted in the death of a fellow workman, the respondents have rightly terminated the services of petitioner. The Standing Counsel further contended that if the petitioner submits a representation to the 3rd respondent, it would be considered and appropriate orders would be passed in accordance with law.

5. 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 petitioner to submit representation afresh to the 3rd respondent within two weeks from the date of receipt of a copy of this order staking his claim for reinstatement into service in view of his acquittal in the criminal case. Upon receipt of such representation, the 3rd respondent shall consider the same and pass appropriate orders in accordance with law in another four weeks thereafter.

6. With these observations, the writ petition is disposed of. No order as to costs. Pending miscellaneous applications, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

23rd September 2019
ajr