HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION (TR) No.5032 of 2017

ORDER:

When the matter is taken up for hearing, learned counsel for petitioner submits that the issue raised in this writ petition is squarely covered by the Division Bench judgments of this Court in W.P.No.19455 of 2014 and batch dated 20.04.2018 and W.P.No.7784 of 2018 and W.P.(TR).No.3129 of 2017 dated 28.02.2019 and contends that the impugned removal order was passed without giving any opportunity to the petitioner in terms of Rule 7(4) of the Madras Home Guards Rules, 1949.

Learned counsel for petitioner further submits that the Division Bench of this Court in its orders in W.P.No.19455 of 2014 and batch dated 20.04.2018 directed the respondents to reinstate the petitioners therein into service without any benefits in relation to their past service including seniority, continuity of service and attendant benefits.

Learned Government Pleader appearing for the respondents has not disputed the above submission made by the learned counsel for petitioner and contended that the case of the petitioner would be considered for reinstatement into service subject to medical fitness without any benefits in relation to his past service including seniority, continuity of service and attendant benefits.

This Court, having considered the rival submissions, is of the considered view that the impugned order is passed without giving

any opportunity to the petitioner in terms of Rule 7(4) of the Madras Home Guards Rules, 1949. Therefore, the order impugned is set aside and the respondents are directed to reinstate the petitioner into service subject to medical fitness without any benefits in relation to his past service including seniority, continuity of service and attendant benefits

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

Pending miscellaneous petitions, if any, shall stand closed.

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ABHINAND KUMAR SHAVILI, J

Date: 19-07-2019
Prv

HIGH COURT FOR THE STATE OF TELANGANA
HYDERABAD

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