

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.26532 OF 2013

ORDER:

This writ petition is filed seeking the following relief:

“...to issue a Writ of Mandamus, or any other appropriate writ, order or direction, and set aside the proceedings vide Memo No.R.XIII-12/12-Adm-7 Dt.06.04.2012 along with 1st respondent's orders vide Memo No.P.VIII-I/2011-EC-II/77 Dated: 01.11.2011 that was merged with appellate order imposing the penalty of removal being as illegal, arbitrary and contrary to the provisions of Article 14, 16 and 21 of the Constitution of India, consequently direct the respondents to reinstate the petitioner into service with all consequential benefits and be pleased to pass such other orders as are necessary in the interest of justice.”

Heard the counsel appearing for the parties.

It has been contended by the petitioner that initially he was appointed as a Cook during 2011 and while he was discharging his duties, he was terminated from service vide orders dated 01.11.2011 on the allegation that he has suppressed the fact of his involvement in a criminal case. Aggrieved by the same, he has preferred an appeal and the appellate authority has also rejected the appeal vide orders dated 06.04.2012. Challenging the same, the present writ petition is filed.

Counsel for the petitioner submitted that in the latest judgment of the Hon'ble Supreme Court in Civil Appeal No(s).18798/2017 (arising from SLP (C) No.20525/2011) dated 15.11.2017 in *Avtar*

Singh v. Union of India and others, certain guidelines were framed as to under what circumstances the cases of the employees can be considered even if they have suppressed requisite information in regard to criminal prosecution, arrest or pendency of any criminal cases against them. Therefore, counsel for the petitioner contended that appropriate orders be passed in the writ petition directing the respondents to consider the case of the petitioner for reinstatement into service by duly taking into account the guidelines framed in **Avtar Singh**'s case referred supra.

Counsel appearing for the respondents had contended that the case of the petitioner would be considered in terms of the guidelines framed by the Hon'ble Supreme Court in **Avtar Singh**'s case referred supra and let the petitioner submit a representation afresh to the respondents and, on such representation, the respondents would consider the same and pass appropriate orders in accordance with law.

This Court, having considered the rival submissions of learned counsel for the respective parties, is of the considered view that this writ petition can be disposed of directing the petitioner to submit a representation afresh to the respondents staking his claim for reinstatement into service in terms of the judgment of the Hon'ble Supreme Court in **Avtar Singh**'s case referred supra, within a period of two weeks from the date of receipt of a copy of this order, and upon such a representation being received, the respondents shall consider

the same and pass appropriate orders in another eight weeks thereafter.

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

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

17th September, 2019
v v

