

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.36744 OF 2013

ORDER:

When the matter is taken up for hearing, counsel appearing for the petitioner had contended that the services of the petitioner were terminated on the allegation that she has misappropriated the funds to a tune of Rs.10,000/-. It is further submitted that the petitioner never misappropriated the said amount and she had, in fact, remitted the said amount, may be with some delay, but the respondents have construed the same as misconduct and initiated disciplinary proceedings and, without conducting regular enquiry, terminated the services of the petitioner. It is also submitted that aggrieved by the orders of termination, the petitioner has also preferred appeal and the appellate authority had rejected the appeal preferred by the petitioner.

Counsel for the petitioner further contended that in several other similar instances, when the employees have remitted the amounts, the respondents have considered the cases of such employees and reinstated them into service. Therefore, counsel for the petitioner submitted that appropriate orders be passed in the writ petition giving liberty to the petitioner to submit a representation afresh to the respondents and let that representation be considered by the respondents as was done in the case of such similar employees.

Standing Counsel appearing for the respondents had contended that if the petitioner submits a representation afresh, the respondents

would consider the same and pass appropriate orders in accordance with law.

This Court, having considered the submissions made by counsel for the parties, is of the considered view that this writ petition can be disposed of directing the petitioner to submit a representation afresh, staking her claim for reinstatement into service, within 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 accordance with law, in another eight weeks thereafter.

Accordingly, the writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

11th September, 2019
v v