

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.37583 of 2017

ORDER :

This writ petition is filed seeking Writ of Mandamus declaring the action of the respondent authorities in rejecting the application submitted by the petitioner to reinstate him into service as A.R. Constable in the respondent Department, vide order dated 18.01.2017, as arbitrary, illegal, unconstitutional and against the Service Laws and consequently sought a direction to the respondents to reinstate him into service with all consequential benefits in view of his clean acquittal by this Hon'ble Court in CrI.RC.No.1561 of 2006, dated 26.09.2016.

It is the case of the petitioner that he was working as AR Constable and while he was discharging his duties as Police Constable, the wife of the petitioner has filed a criminal case against him under Section 498-A of IPC and vide judgment dated 12.10.2004 in C.C.No.221 of 2002 passed by the Special Judicial First Class Magistrate for Prohibition and Excise, Nalgonda, the petitioner was convicted for the offence under Section 498-A IPC and sentenced to undergo R.I. for a period of one year and to pay a fine of Rs.100/-. Based on the said conviction and sentence, the respondents have removed the petitioner from service on 12.10.2004. Thereafter, the petitioner has filed CrI.A.No.155 of 2004 on the file of IV Additional Sessions Judge, Nalgonda, and the learned Sessions Judge was

pleased to dismiss the said appeal vide judgment dated 08.09.2006. Aggrieved by the same, the petitioner has preferred a revision in CrI.RC.No.1561 of 2006 before this Court and this Court vide judgment dated 26.09.2016 was pleased to set aside the conviction and sentence passed by both the Courts below and acquitted the petitioner. Thereafter, the petitioner has submitted an application/appeal before the Departmental authorities requesting to reinstate him into service by duly taking into account of his acquittal vide judgment dated 26.09.2016 in CrI.RC.No.1561 of 2006. However, the respondents have rejected the application/appeal preferred by the petitioner on the ground of delay and laches vide order dated 18.01.2017. Hence, the present writ petition.

Heard Sri M. Saleem, learned counsel for the petitioner and the learned Government Pleader for Services-I appearing for the respondents.

Learned counsel for the petitioner contends that in view of clean acquittal of the petitioner vide judgment dated 26.09.2016 in CrI.RC.No.1561 of 2006, the petitioner is entitled for consideration of his case for reinstatement into service and appropriate orders be passed in the writ petition directing the respondents to consider the case of the petitioner for reinstatement into service.

The learned Government Pleader for Services submitted that in view of acquittal of the petitioner vide judgment dated

26.09.2016 in CrI.RC.No.1561 of 2006, the case of the petitioner will be considered and appropriate orders would be passed in accordance with law.

This Court, having considered the rival submissions made by the 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 fresh representation to the respondents seeking reinstatement into service in view of his acquittal vide judgment dated 26.09.2016 in CrI.RC.No.1561 of 2006 and on such representation being received, the respondents shall consider the case of the petitioner for reinstatement into service and pass appropriate orders in accordance with law within a period of six (6) weeks from the date of receipt of a copy of this order.

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

As a sequel, miscellaneous petitions pending, if any, in this writ petition shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

05.02.2019.
Msr

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