

**HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

**WRIT PETITION No.47950 of 2018**

**ORDER:**

This writ petition is filed seeking a Writ of Mandamus, declaring the action of respondents in not reinstating the petitioner as Home Guard though the petitioner was acquitted by the Additional Chief Metropolitan Magistrate, Nampalli in Crime No.136 of 2018 on 08.09.2018, as illegal, arbitrary and unjustified and sought consequential directions directing the respondents to reinstate the petitioner as Home Guard with all consequential benefits.

Heard Sri M.V.S.Sai Kumar, counsel for petitioner and the Assistant Government Pleader representing the Special Government Pleader, for respondents.

It has been contended by the petitioner that he was appointed as a Home Guard and he has been discharging his duties to the best satisfaction of his superiors and everyone concerned. The petitioner further contends that on 08.09.2018, a false criminal case was filed against him in Crime No.136 of 2018 and the petitioner was tried for the offences under Sections 420, 406 r/w.34 of IPC. The petitioner was acquitted by the Additional Chief Metropolitan Magistrate, Nampally on 08.09.2018. Thereafter, petitioner has submitted a representation to the respondents on 03.11.2018 requesting to reinstate him by duly taking into account the judgment rendered by the Additional Chief Metropolitan Magistrate, Nampally, but the respondents have not passed any orders on the said representation. It is contended that appropriate orders be passed in this writ petition directing the respondents to consider the representation dated 03.11.2018 in accordance with law.

Counsel for petitioner further contend that the Hon'ble Supreme Court in **Avatar Singh v. Union of India and others**<sup>1</sup>, has given elaborate guidelines for consideration of the cases of employees acquitted from the criminal case, and contended that appropriate directions be issued to the respondents to consider the case of the petitioner in terms of the aforesaid judgment and pass appropriate orders.

Learned Assistant Government Pleader appearing for the Special Government Pleader contended that appropriate orders would be passed on the representation submitted by the petitioner in accordance with law.

This Court, having considered the rival submissions of the parties, is of the considered view that this writ petition can be disposed of directing the respondents to consider the representation dated 03.11.2018 submitted by the petitioner, by duly taking into account the judgment rendered by the Hon'ble Supreme Court in **Avatar Singh's** case (supra) and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order.

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**

2<sup>nd</sup> January, 2019

ajr

---

<sup>1</sup> 2016 (8) SCC 471