HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THURSDAY ,THE TWELFTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION (TR) NOS: 52, 60, 58, 56, 53, 54, 55, 57, 59 & 61 OF 2020

WP (TR) NO: 52 OF 2020

Between:

G.Sudhakar, S/o.G.Narasimha, aged 27 years, Home Guard-9369, Hyderabad City, R/o.Chowdarpally, Yacharam Mandal, R.R.District - 501509.

...PETITIONER

AND

1. Government of Telangana, represented by its Principal Secretary, Home (Police) Department, Secretariat, Hyderabad.
2. The Addl.Director General of Police, Home Guards, State of Telangana,Hyderabad.
3. The Commissioner of Police, Hyderabad City, Hyderabad.
4. The Commandant, Home Guards, Hyderabad City, Chathabazar, Hyderabad - 500 002.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to call for records relating to order bearing No. D.O.No.13/2008, No.748/A2/HGs.Hyd/07, dated 23/01/2008 of the 4th Respondent and setaside the same so far as the applicant is concerned as illegal, arbitrary, violative of principles of natural justice and Article 14 and 16 of the Constitution of India and consequently direct reinstatement of applicant as Home Guard with all consequential benefits as though the impugned order was never made.

WPMP(TR). NO: 111 OF 2017

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to condone delay of 5 years 8months 1 day in filing the O.A. against the order bering D.O. No.13/2008, No.78/A2HGs.Hyd/07, dt. 23.01.2008 of the 4th Respondent and pass

Counsel for the Petitioner:SRI. NAYAKAWADI RAMESH

Counsel for the Respondents: GP FOR HOME

WP (TR) NO: 60 OF 2020

Between:

G.Ambedkar, S/o.Narsimha, aged 28 years, Home Guard-7744, Sultan Bazar P.S., R/o.1-31, Chowdaripalli, Yacharam, R.R.District.

...PETITIONER

AND

1. Government of Telangana, represented by its Principal Secretary, Home (Police) Department, Secretariat Hyderabad.
2. The Addl.Director General of Police, Home Guards, State of Telangana, Hyderabad.
3. The Commissioner of Police, Hyderabad City, Hyderabad.
4. The Commandant, Home Guards, Chatha Bazar, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to call for records relating to order bearing No.D.O.No.62/2008, No.52/A2/HGs.Hyd/2008, dated 28-02-2008 of the 4th Respondent and setaside the same illegal, arbitrary, violative of principles of natural justice and Article 14 AND 16 of the Constitution of India and consequently direct reinstatement of applicant as Home Guard with all consequential benefits as though the impugned order was never made.

WPMP(TR). NO: 112 OF 2017

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to condone the delay of 5 years 8 M Months 1 day in filing the O.A. against the order bearing D.O.No.62/2008, No.52/A2/HGs.Hyd/2008, dated 28-02-2008 of the 4th respondent.

Counsel for the Petitioner:SRI. NAYAKAWADI RAMESH

Counsel for the Respondents: GP FOR HOME

WP (TR) NO: 58 OF 2020

Between:

Md. Kareem Abdul, S/o. Md. Masum Ali, Aged about 32 years, Occ. Home Guard (683), R/o H.No.3-9-6, Ashok Nagar, Mallapur, Ranga Reddy District-500062.

...PETITIONER

AND

1. The Government of Telangana, Rep. by its Principal Secretary, Home department, Secretariat Buildings, Hyderabad.
2. The Addl. Director General of Police, Home Guards, Hyderabad.
3. The Commissioner of Police, Cyberabad, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to call for the records relating to and connected with the impugned orders passed by the 3rd respondent in D.O.No. 226/2006 (Rc.No. 4/RI/HGO/CYB/2006), dated 31/01/2006 removing the name of the applicant from the rolls of Home Guard organization without issuing show cause notice and without conducting enquiry and without following the principles of Natural justice and set aside the same as illegal, arbitrary, and unconstitutional and consequently to direct the respondents to reinstate the applicant into service forthwith with all consequential benefits.

WPMP(TR). NO: 110 OF 2017

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to condone the delay of 7 years 8 Months 28 days in filing the above O.A.

Counsel for the Petitioner:SRI. NAYAKAWADI RAMESH

Counsel for the Respondents: GP FOR HOME

WP (TR) NO: 56 OF 2020

Between:

P. Ravinder, S/o. Lalappa, Aged about 28 years, Occ- Ex.Home Guard (1772), R/o H.No.1-86, Hanumapur (Vill), Peddumul Mandal, Ranga Reddy District-501142

...PETITIONER

AND

1. The Government of Telangana, Rep. by its Principal Secretary, Home department, Secretariat Buildings, Hyderabad
2. The Addl. Director General of Police, Home Guards, Hyderabad.
3. The Commissioner of Police, Cyberabad, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to call for the records relating to the impugned removal orders passed by the 3rd respondent in D.O. No. 2293/2008 (Rc. No. 4/RI/HGO/CYB/2008), dated 22.11.2008 without conducting enquiry and without following the principles of Natural justice is illegal, arbitrary, and unconstitutional and set aside the same and consequently direct the respondents to reinstate the applicant into service forthwith with all consequential benefits.

WPMP(TR). NO: 134 OF 2017

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to condone the delay of 5 years 2 days in filing the above OA.

Counsel for the Petitioner:SRI. NAYAKAWADI RAMESH

Counsel for the Respondents: GP FOR HOME

WP (TR) NO: 53 OF 2020

Between:

A.Ramesh Babu, S/o. Murthaiah, Aged about 31 years, Occ- Ex.Home Guard (902) R/o Plot No. 16, Telephone Colony, Boduppal(Vill), Gatkesar Mandal, Ranga Reddy District-500092.

...PETITIONER

AND

1. The Government of Telangana, Rep. by its Principal Secretary, Home department, Secretariat Buildings, Hyderabad
2. The Addl. Director General of Police, Home Guards, Hyderabad.

3. The Commissioner of Police, Cyberabad, Hyderabad

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to call for the records relating to the impugned removal orders passed by the 3rd respondent in D.O. No. 2312/2009 (Rc. No. 4/RI/HGO/CYB/2009), dated 16.07.2009 without conducting enquiry and without following the principles of Natural justice is illegal, arbitrary, and unconstitutional and set aside the same and consequently to direct the respondents to reinstate the applicant into service forthwith with all consequential benefits.

WPMP(TR). NO: 129 OF 2017

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to condone the delay of 4 years 4 months 4 days in filing the above OA.

Counsel for the Petitioner:SRI. NAYAKAWADI RAMESH

Counsel for the Respondents: GP FOR HOME

WP (TR) NO: 54 OF 2020

Between:

B. Ravi, S/o. Yadagiri, Aged about 31 years, Occ. Ex. Home Guard (66), R/o H.No.2-23-26/39/A, Mallikarjunanagar, Chilukanagar, Uppal, Ranga Reddy District-500055.

...PETITIONER

AND

1. The Government of Telangana, Rep. by its Principal Secretary, Home department, Secretariat Buildings, Hyderabad.
2. The Addl. Director General of Police, Home Guards, Hyderabad.
3. The Commissioner of Police, Cyberabad, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to to call for the records relating to the impugned removal orders passed by the 3rd respondent in D.O.No. 220/2008 (Rc. No.4/RI/HGO/CYB/2008), dated 31.01.2008 without conducting the enquiry and without following the principles of Natural justice is illegal, arbitrary, and unconstitutional and set aside the same and consequently direct the respondents to reinstate the applicant into service forthwith with all consequential benefits and pass such other order or orders

WPMP(TR). NO: 157 OF 2017

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to condone the delay of 5 years 10 months and 7 days in filing the above OA.

Counsel for the Petitioner:SRI. NAYAKAWADI RAMESH

Counsel for the Respondents: GP FOR HOME

WP (TR) NO: 55 OF 2020

Between:

M. Bhasker Reddy, S/o. M. Sanjeeva Reddy, R/o. H.No. 2-34, (Vill) Mamidipally, Saroornagar (mon) Ranga Reddy District-500005.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Home department, Secretariat Buildings, Hyderabad.
2. The Addl. Director General of Police, Home Guards, Hyderabad.
3. The Commissioner of Police, Cyberabad, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to call for the records relating to the impugned removal orders passed by the 3rd respondent in D.O.No. 1217/2006 (Rc. No. 4/RI/HGO/CYB/2006), dated 13.06.2006 without conducting enquiry and without following the principles of Natural justice is illegal, arbitrary, and unconstitutional and set aside the same and consequently to direct the respondents to reinstate the applicant into service forthwith with all consequential benefits.

WPMP(TR). NO: 164 OF 2017

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to condone the delay of 7 years 7 Months 7 days in filing the above O.A.

Counsel for the Petitioner:SRI. NAYAKAWADI RAMESH

Counsel for the Respondents: GP FOR HOME

WP (TR) NO: 57 OF 2020

Between:

A.Naveen Reddy, S/o. Narsi Reddy, Aged about 30 years, Occ. Ex.Home Guard (857), R/o H. No.3-67, (Vill). Chithapatla, Yacharam (mdl) Ranga Reddy District-501509.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Home department, Secretariat Buildings, Hyderabad.
2. The Addl. Director General of Police, Home Guards, Hyderabad.
3. The Commissioner of Police, Cyberabad, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to call for the records relating to the impugned removal orders passed by the 3rd respondent in D.O.No. 180/2007 (Rc. No. 4/RI/HGO/CYB/2007), dated 22.01.2007 without conducting enquiry and without following the principles of Natural justice is illegal, arbitrary, and unconstitutional and set aside the same and consequently to

direct the respondents to reinstate the applicant into service forthwith with all consequential benefits.

WPMP(TR). NO: 167 OF 2017

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to condone the delay of 6 years 11 Months 28 days in filing the above O.A.

Counsel for the Petitioner:SRI. NAYAKAWADI RAMESH

Counsel for the Respondents: GP FOR HOME

WP (TR) NO: 59 OF 2020

Between:

P. Niranjan, S/o. Ramulu, Aged about 32 years, Occ. Ex.Home Guard (9155), R/o H. No.2-44, (Villand Postand Mon). Midjil, Mahaboobnagar District-509357.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Home department, Secretariat Buildings, Hyderabad.
2. The Addl. Director General of Police, Home Guards, Hyderabad.
3. The Commandant Home Guards, Hyderabad City, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to call for the records relating to the impugned removal orders passed by the 3rd respondent in D.O.No. 145/2008 (No. 324/A2/HGs.Hyd/2008), dated 24-05-2008 without conducting enquiry and without following the principles of Natural justice is illegal, arbitrary, and unconstitutional and set aside the same and consequently to direct the respondents to reinstate the applicant into service forthwith with all consequential benefits and pass such other order

WPMP(TR). NO: 169 OF 2017

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to condone the delay of 5 years 7 Months 26 days in filing the above O.A.

Counsel for the Petitioner:SRI. NAYAKAWADI RAMESH

Counsel for the Respondents: GP FOR HOME

WP (TR) NO: 61 OF 2020

Between:

SK.Nagulmeera, S/o. SK.Janimiya, Aged about 34 years, Occ. Home Guard R/o Kurnavally (PO) Village, Thallada Mandal,Khammam, Khammam District.

...PETITIONER

AND

1. The State of Telangana and 2 others, Rep. by its Principal Secretary, Home department, Secretariat Buildings, Hyderabad

2. The Addl. Director General of Police, Home Guards, Hyderabad.
3. The Superintendent of Police, Khammam, District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to call for the records relating to the impugned removal orders passed by the 3rd respondent in C.No.2/RI-HGO/KMM/99 (DO.No.23/1999) dated 23/11/1999 without conducting enquiry and without following the principles of Natural justice is illegal, arbitrary, and unconstitutional and set aside the same and consequently to direct the respondents to reinstate the applicant into service forthwith with all consequential benefits and pass such other order or orders

WPMP(TR). NO: 180 OF 2017

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to condone the delay 14 years 3 months 23 days in filing the above O.A.

Counsel for the Petitioner:SRI. NAYAKAWADI RAMESH

Counsel for the Respondents: GP FOR HOME

The Court made the following:

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION (TR) Nos.52, 60, 58, 56, 53, 54, 55, 57, 59 and 61 of 2020

COMMON ORDER:

All these writ petitions have been filed by the petitioners seeking to set aside the removal orders passed by the respondents as arbitrary and illegal and consequently sought a direction to the respondents to reinstate the petitioners into service as Home Guards with all consequential benefits.

When the matters came up for hearing, learned counsel for the petitioners would submit that the issue involved in these writ petitions is squarely covered by order dated 16.09.2020 in W.P.No.15701 of 2020.

Learned Government Pleader for Home appearing for the respondents does not dispute the same.

In view of the said submission, these writ petitions are disposed of in terms of order dated 16.09.2020 in W.P.No.15701 of 2020. No order as to costs.

Pending miscellaneous petitions, if any, in these writ petitions shall stand closed.

SD/-N.CHANDRA SEKHAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Home (Police) Department, Government of Telangana Secretariat, Hyderabad.
2. The Addl.Director General of Police, Home Guards, State of Telangana, Hyderabad.
3. The Commissioner of Police, Hyderabad City, Hyderabad.
4. The,Commandant, Home Guards, Hyderabad City, Chathabazar, Hyderabad - 500 002.
5. One CC to Sri. Nayakawadi Ramesh, Advocate [OPUC]
6. Two CCs to GP for Home, High Court for the State of Telangana. [OUT]
7. Two CD Copies.

(Along with a copy of order dated 16/09/2020 in WP.No. 15701 of 2020.)

DM

HIGH COURT

DATED:12/11/2020

COMMON ORDER

WP(TR).Nos. 52, 60, 58, 56, 53, 54, 55, 57, 59 & 61 OF 2020



Disposing of the WP(TR)s

Without costs.

SSV
9 copies
Dt 29/12/2020

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.15701 of 2020

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 physical fitness and availability of posts 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 physical fitness and availability of posts 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.

ABHINAND KUMAR SHAVILI, J

Date: 16-09-2020
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