

THE HONOURABLE SMT JUSTICE P. MADHAVI DEVI

WRIT PETITION No.31583 of 2022

ORDER:

This Writ Petition is filed seeking a Writ of Mandamus declaring the action of the respondents in not giving posting orders to the petitioner and also in not releasing service benefits to the petitioner for the period of dismissal of service from 01.08.2006 to till the date of filing of the writ petition as on duty with sanction of increments, fixation of pay in revised pay scales, balance salary of period of suspension from 01.07.1999 to 09.07.2002 and consequential benefits, as illegal and arbitrary and to pass such other orders this Court deems fit and proper in the circumstances of the case.

2. It is submitted that the petitioner was initially terminated from services on account of conviction by the Trial Court in a criminal case. Subsequently, on acquittal in Crl. Appeal No.685 of 2006, dated 17.12.2018 and also on the order of acquittal being confirmed by the Hon'ble Supreme Court in SLP.No.14654 of 2021, the petitioner has made a request to the Government for reinstatement into

service and the 1st respondent vide G.O.Ms.No.131, dated 02.09.2021 passed orders directing the respondents to re-induct the petitioner into service. The petitioner submits that in spite of the said direction of the Government, the respondent Nos.5 and 6 have not issued any posting orders to the petitioner and both the respondents are stating that the petitioner does not belong to their office.

3. Notice before admission was ordered by this Court. Learned Government Pleader for Services-II obtained written instructions, according to which, it is admitted that the 1st respondent addressed a letter to the respondent No.3/Director, Public Health and Family Welfare Telangana, Kothi, Hyderabad, who vide letter dated 17.06.2022 addressed a letter to the 1st respondent stating that the petitioner belongs to Karimnagar District and there are no vacancies of Junior Assistant posts available in Karimnagar District. The learned Government Pleader also filed a copy of the Memo No.879/VC.1/2019, dated 06.08.2022 wherein there is a reference to the letter dated 17.06.2022 submitted and that the proposal for posting the petitioner in any of the

vacancy available in erstwhile Karimnagar District is under consideration.

4. Having regard to the said Memo No.879/VC.1/2019 dated 06.08.2022 and also contentions of the learned counsel for the petitioner, this Court deems it fit and proper to direct the 1st respondent to take a decision and issue posting orders to the petitioner within a period of three (3) weeks from the date of receipt of a copy of this order.

5. As regards the claim of the petitioner, with regard to service benefits to the petitioner, the petitioner may make a representation to the respondents and the respondents shall consider the same in accordance with the terms of the judgments of this Court as confirmed by the Hon'ble Supreme Court. Accordingly, the writ petition is disposed of. There shall be no order as to costs.

6. Miscellaneous applications, pending if any, shall stand closed.

JUSTICE P. MADHAVI DEVI

Date:10.08.2022.
Krl.



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10.08.2022

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