

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

MONDAY, THE TENTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR

WRIT PETITION NO: 34542 OF 2022

Between:

M.A. Akheel Ahmed, S/o. Late M.A.Samad, Aged about 38 Years, Occ. Home Guard, 6471 (under Suspension), R/o. H.No.20-3-437/1, Moosa Bowli, Hussain Alam, Hyderabad,

...PETITIONER

AND

1. The State of Telangana, rep. by its Principal Secretary, Department of Home, Secretariat Buildings, Hyderabad
2. The Director General of Police, Telangana State, Lakdikapul, Hyderabad.
3. The Commissioner of Police, Hyderabad City, Hyderabad.
4. Commandant Home Guards, Hyderabad City, Goshamahall, 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 issue an appropriate writ, order or direction, more particularly one in the nature of writ of Mandamus, declare the action of the respondents are illegal, arbitrary and violative of principles of natural justice and set aside the removal order passed in File No. A2/HGS-HYD/32/2021 dated 30/04/2021 and further direct the respondents to reinstate the petitioner into service as Home Guard.

IA NO: 1 OF 2022

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 suspend the removal order dated 30-04-2021 in File No.A2/HGS.HYD/32/2021 by the 3rd respondent pending disposal of main writ petition.

Counsel for the Petitioner: SRI KAMALAKARA RAO BATHINA

Counsel for the Respondents: GP FOR HOME

The Court made the following: ORDER

HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR

WRIT PETITION No. 34542 of 2022

ORDER:

This Writ petition is filed declaring the action of the respondents in issuing removal order as illegal, arbitrary and to set aside the removal order passed in File No.A2/HGS-HYD32/2021 dated 30.04.2021 and consequently direct the respondents to reinstate the petitioner into service as Home Guard.

2. Learned counsel for the petitioner submits that the petitioner was appointed as Home Guard on 26.06.2002 and was performing his duties sincerely from last 18 years. Learned counsel for the petitioner further submits that petitioner received suspension order vide No.A1/HGs.Hyd/593/2020 dated 09.06.2020 from respondent No.3 stating that while performing Blue Colts duties in Falaknuma PS, petitioner being a member of police department supported anti social elements and activities which is highly objectionable.

3. Learned counsel for the petitioner further submits that respondent No.3 in his notice No.A1/HGs.Hyd/593/2020 dated 09.06.2020 also issued show cause notice-II calling explanation

within in three days and the same was submitted by the petitioner denying all the allegations.

4. Aggrieved by the action of respondent No.1 petitioner filed WP.No.22255 of 2021 before this Court questioning the suspension order No. A1/HGs.Hyd/593/2020 dated 09.06.2020 and this Court by order dated 24.09.2021 dismissed the writ petition as infructuous and liberty was granted to petitioner to challenge the removal order dated 30.04.2021. Later the petitioner was removed from the service on 06.05.2021. By virtue of liberty given, the petitioner filed appeal on 07.03.2022 before respondent No.2 and the same is pending as on date.

5. Learned Special Government Pleader for Home and Services submits that the respondent No.2 would consider disposing the pending appeal of petitioner's dated 07.03.2022 within a time bound period.

6. In view of the submission made by the learned counsels on either side and without expressing any opinion on merits of the case, this writ petition is disposed of, with a direction to respondent No.2 to consider the representation/appeal of the petitioner dated 07.03.2022 and give a fair opportunity of hearing to the petitioner and pass appropriate orders strictly in

accordance with law, within a period of four (04) weeks from the date of receipt of a copy of this order.

7. Miscellaneous applications, if any pending, shall stand closed. No order as to costs.

//TRUE COPY//

SD/-G.SIREESHA
ASSISTANT REGISTRAR
GP
SECTION OFFICER

To,

1. The Principal Secretary, Department of Home, State of Telangana, Secretariat Buildings, Hyderabad
2. The Director General of Police, Telangana State, Lakdikapul, Huderabad.
3. The Commissioner of Police, Hyderabad City, Hyderabad.
4. Commandant Home Guards, Hyderabad City, Goshamahar, Hyderabad.
5. One CC to SRI KAMALAKARA RAO BATHINA Advocate [OPUC]
6. Two CCs to GP FOR HOME, High Court for the State of Telangana at Hyderabad. [OUT]
7. Two CD Copies.
8. One spare copy.

NPJ

BS
H

HIGH COURT

DATED:10/10/2022

ORDER

WP.No.34542 of 2022



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS.

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PM
28/11