

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

**FRIDAY, THE TWENTY THIRD DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY TWO**

PRESENT

**THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND
THE HONOURABLE SRI JUSTICE K. SARATH**

WRIT PETITION NO: 8214 OF 2011

Between:

1. The Government of A.P. rep. by its Principal Secretary, Revenue Department, Secretariat, Hyderabad.
2. The Chief Commissioner of Land Administration, Government of Andhra Pradesh, Nampally, Hyderabad.
3. The District Collector, Khammam, Khammam District., Khammam, Khammam District

...PETITIONERS

AND

1. P. Bhaskar Rao, Senior Assistant, O/o. Special Deputy Collector (L.A.), Irrigation Projects, Transport & Railways, Khammam, Khammam District.
2. The Andhra Pradesh Administrative Tribunal, rep. by its Registrar, Purani Haveli, 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 a writ order or direction more particularly one in the nature of "Writ of Certiorari" calling for the records relating to the orders of the Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad passed in

O.A.No.7417/2007 dated 24.04.2009 as being erroneous, illegal and unreasonable and quash the same.

I.A. NO: 1 OF 2011(WPMP. NO: 10213 OF 2011)

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 orders of the Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad passed in O.A.No.7417/2007 dated 24.04.2009 pending disposal of the writ petition

Counsel for the Petitioners: SRI GP FOR SERVICES II

Counsel for the Respondent 1:SRI K. UDAYA SRI

The Court made the following: ORDER

**HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND**

HONOURABLE SRI JUSTICE K.SARATH

WRIT PETITION No. 8214 of 2011

Order: *(Per Hon'ble Sri Justice Abhinand Kumar Shavili)*

This writ petition is filed seeking 'Writ of Certiorari' calling for the records relating to the orders of the Andhra Pradesh Administrative Tribunal, Hyderabad passed in O.A.No.7417 of 2007 dated 24.04.2009 and quash the same as being erroneous, illegal, arbitrary and contrary to the principles of natural justice and consequently set aside the same.

2. Heard learned Government Pleader for Services-II for the petitioners and Sri K. Udaya Sri, learned counsel for respondent No.1.

3. It has been contended by Government Pleader for Services-II for the petitioners that the respondent No.1 was working as Special Deputy Collector and he was convicted by a competent Criminal Court in C.C.No.39 of 2002 on 31.10.2007, based upon the conviction, the petitioners have dismissed the respondent No.1 from service vide orders dated 04.01.2008.

4. Learned Government Pleader for Services-II contended that respondent No.1 has preferred Criminal Appeal No. 1545 of 2007 and the Hon'ble High Court was pleased to suspend the sentence in C.C.No.39 of 2002 on 31.10.2007, vide CRL.MP.No.2086 of 2007 in CRL.A.No.1545 of 2007, dated 13.11.2007. The respondent No.1 also filed OA No.7417 of 2007 aggrieved by the dismissal of service, before the Andhra Pradesh Administrative Tribunal (for short 'the Tribunal') and the Tribunal vide order dated 24.04.2009 was pleased to allow the O.A and set aside the orders of dismissal on the ground that the sentence was suspended by the Hon'ble High Court in CRL.MP No.2086 of 2007 in CRL.A No.1545 of 2007.

5. Learned Government Pleader for Services-II further contended that when the conviction is staring at respondent No.1, the Tribunal could not have interfered with the orders of the dismissal. Therefore, appropriate orders be passed in this writ petition by setting aside the O.A.No. 7417 of 2007 dated 24.04.2009 and allow the writ petition.

6. This Court having considered the rival submission made by the parties is of the considered view that the Tribunal was not

justified in allowing the O.A.No.7417 of 2007 dated 24.04.2009 in favour of the respondent No.1 by setting aside the order of dismissal dated 04.01.2008, when conviction is staring at the respondent No.1 and the Tribunal could not have interfered with the order of dismissal. Therefore, the order passed by the Tribunal in O.A.No.7417 of 2007 dated 24.04.2009 is contrary to law and the same is liable to set aside.

7. Accordingly, this writ petition is allowed by setting aside the order passed by the Tribunal in O.A.No.7417 of 2007, dated 24.04.2009. However, it is made clear that if the respondent No.1 is acquitted in the CRLA No.1545 of 2007, the respondent No.1 is entitled to peruse his remedy, in accordance with law.

8. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

That Rule Nisi has been made Absolute as above witness the Hon'ble
SRI. UJJAL BHUYAN, The Chief Justice on this Friday, the Twenty Third day of
September, Two Thousand and Twenty Two.

SD/- G. SIREESHA
ASSISTANT REGISTRAR
SECTION OFFICER

//TRUE COPY//

To,

1. The Principal Secretary, Revenue Department, Secretariat, Government of A.P, Hyderabad.
2. The Chief Commissioner of Land Administration, Government of Andhra Pradesh, Nampally, Hyderabad.
3. The District Collector, Khammam, Khammam District., Khammam, Khammam District
4. The Andhra Pradesh Administrative Tribunal., rep. by its Registrar, Purani Haveli, Hyderabad.
5. One CC to SRI GP FOR SERVICES II Advocate [OPUC]
6. One CC to SRI K.UDAYA SRI Advocate [OPUC]
7. Two CD Copies

EDS
GJP
BSK

HIGH COURT

DATED:23/09/2022

ORDER

WP.No.8214 of 2011



ALLOWING OF THE WRIT PETITION
WITHOUT COSTS

8 Copies

BSB/20/12/22