

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND
HON'BLE SRI JUSTICE NAMAVARAPU RAJESHWAR RAO

Writ Petition No.18736 of 2014

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

This Writ Petition is filed by the petitioner under Article-226 of the Constitution of India seeking a '*Writ of certiorari*' by calling for records relating to the order passed by the Andhra Pradesh Administrative Tribunal (for short 'the Tribunal'), Hyderabad in O.A.No.2050 of 2012, dated 10.10.2012 and to quash the same.

2. Heard learned Special Government Pleader for the petitioners and Ms.Naseem Ara learned counsel for the respondents.

3. Learned counsel for the petitioners contended that the respondent No.1 was selected as Stipendiary Cadet Trainee(SCT) Police Constable in pursuance to notification issued in the year 2008. However, the respondent No.1 suppressed the fact that he was involved in a criminal case i.e., C.C.No.74 of 2009 and since respondent No.1 has suppressed

involvement in criminal case; the services of the respondent No.1 were terminated while he was on probation.

4. Learned counsel for the petitioners further contended that though the respondent No.1 was acquitted by the competent criminal court *vide* Judgment dated 13.09.2010, as petitioner suppressed about his involvement in criminal case, the petitioners have rightly terminated the services of the respondent during the probation. Aggrieved by the said orders for termination of probation, the respondent has approached the Tribunal by filing O.A.No.2050 of 2012 and Tribunal *vide* orders dated 10.10.2012 was pleased to allow the OA and was pleased to set aside the orders of the termination and directed the petitioners to reinstate the respondent into service without appreciating any of the contentions raised by the petitioners. Therefore appropriate orders be passed in writ petition by setting aside the orders passed by the Tribunal in O.A.No.2050 of 2012 dated 10.10.2012 and allow the writ petition.

5. The learned counsel for the respondents contended that a similar issue has been fallen for consideration before the Hon'ble Supreme

Court in *Avtar Singh v. Union of India*¹. Wherein, the Hon'ble Supreme Court in para 38 has given elaborate guidelines as to how the case of the employees who have suppressed about pendency of criminal cases has to be dealt with. Let the petitioners examine the case of the respondent No.1 in terms of law laid down by the Hon'ble Supreme Court referred to supra and pass appropriate orders in accordance with law.

6. This Court having considered the rival submissions made by both the parties is of the considered view that the present writ petition can be disposed of directing the petitioners to consider the case of the respondent No.1 afresh in terms of the guidelines framed by the Hon'ble Supreme Court in *Avtar Singh's* case (1 Supra) and pass appropriate orders within a reasonable period of time preferably 8 weeks from today.

¹(2016) 8 SCC 471

7. With these observations, the Writ Petition is disposed of . No costs.

8. As a sequel, miscellaneous applications pending if any in this Writ Petition, shall stand closed.

ABHINAND KUMAR SHAVILI, J

NAMAVARAPU RAJESHWAR RAO, J

Date : 30.11.2022

Pss/prat