

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

AND

HON'BLE SRI JUSTICE PULLA KARTHIK

W.P.No.4230 OF 2015

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

Aggrieved by the order dated 04.09.2014 passed in O.A.No.3550 of 2014 by the Andhra Pradesh Administrative Tribunal, Hyderabad, the present writ petition has been filed.

Heard Sri Govinda Reddy, learned Special Government Pleader for Services (A.P) appearing for the petitioners and Sri Harinath Reddy Somagutta, learned counsel appearing for the 1st respondent.

It is the case of the petitioners that the 1st respondent was selected as Stipendary Cadet Training Police Constable (A.P.S.P.) in pursuance of the notification issued in 2011 and while the 1st respondent was undergoing training, he had absented himself to attend duties from 18-01-2013 to 13-02-2013. The petitioners have construed the same as misconduct and discharged him from service *vide* order dated

28.02.2013. Aggrieved by the same, the 1st respondent has preferred an appeal and revision and the same were dismissed. Later, challenging the order of discharge, the 1st respondent has approached the Tribunal by filing O.A.No.3550 of 2014. Without appreciating any of the contentions raised by the petitioners, the Tribunal *vide* order dated 04.09.2014 allowed the said O.A in favour of the 1st respondent and directed the petitioners to reinstate the 1st respondent into service as it was done in the case of E.Yellappa applicant in O.A.No.3576 of 2014 and V.Kannaiah applicant in O.A.No.7998 of 2013.

Learned Special Government Pleader appearing for the petitioners had contended without applying any leave, the 1st respondent had absented himself to attend duties and hence, the petitioners have construed the same as misconduct and therefore, the petitioners have rightly discharged the respondent from service. This fact was not properly

appreciated by the Tribunal and the Tribunal has mechanically set aside the order passed by the petitioners and reinstated the 1st respondent into service. Therefore, appropriate orders be passed in the writ petition by setting aside the order passed by the Tribunal.

Learned counsel appearing for the 1st respondent had contended that the Tribunal has allowed the OA in favour of the 1st respondent on the ground of discrimination as admittedly the petitioners have re-engaged two individuals i.e., one E.Yellappa and V.Kannaiah and on the ground of discrimination only, the Tribunal allowed the OA in favour of the 1st respondent and the action of the petitioners in imposing the punishment of discharge the 1st respondent from service is violative of Article 14 of the Constitution of India. Hence, the Tribunal was justified in allowing the OA in favour of the 1st respondent. Therefore, there are no

merits in the writ petition and the same is liable to be dismissed.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the view that the Tribunal was justified in allowing the OA in favour of the 1st respondent on the ground of discrimination, which is violative of Article 14 of the Constitution of India. Therefore, this Court is not inclined to interfere with the order passed by the Tribunal.

Accordingly, the Writ Petition is dismissed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

JUSTICE PULLA KARTHIK

Date: 09-01-2023
rkk

