

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

THURSDAY, THE THIRTEENTH DAY OF JULY
TWO THOUSAND AND TWENTY THREE

PRESENT

**THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND
THE HONOURABLE SRI JUSTICE NAMAVARAPU RAJESHWAR RAO**

WRIT PETITION NO: 27895 OF 2015

Between:

1. The Dist.Education Officer, Karimnagar District
2. The Director of School Education, Telangana, Hyderabad.
3. The State of Telangana, School Education Department, Secretariat, Hyderabad rep. by its Principal Secretary.

...PETITIONERS/RESPONDENTS IN O.A.No. 3409/2012

AND

1. M.Hemalatha, D/o Lingaiah, SGT, ZPHS Velgonda, Present working as SGT P.S. Anthargam, Mandal Jagtial, Karimnagar District.

.... RESPONDENT/APPLICANT IN O.A.No. 3409/2012

2. The Andhra Pradesh Administrative Tribunal, Rep by Its Registrar, Purani Haveli, Hyderabad.

...RESPONDENTS/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 and to call for records related to order of Honble Andhra Pradesh Administrative Tribunal, Hyderabad dated- 11.03.2014 in O.A.No.3409 /2012 and quash or set aside the same

I.A. NO: 2 OF 2015(WPMP. NO: 36200 OF 2015)

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 operation of the order dt.11-03-2014 passed in O.A.No.3409 of 2012, on the file of the Hon'ble AP Administrative Tribunal, Hyderabad pending disposal of the WP.

Counsel for the Petitioner: GP FOR SERVICES I

Counsel for the Respondent No.1: SRI. M. RAMGOPAL RAO

Counsel for the Respondent No.2: NONE APPEARED

The Court made the following: ORDER

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

WRIT PETITION No.27895 OF 2015

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

This Writ Petition is filed aggrieved by the order, dated 11.03.2014, passed in O.A.No.3409 of 2012 by the Andhra Pradesh Administrative Tribunal, Hyderabad (for short 'the Tribunal').

2. Heard the learned Government Pleader for Services-I appearing for the petitioners and Sri M. Ram Gopal Rao, learned counsel appearing for respondent No.1.

3. Learned Government Pleader appearing for the petitioners had contended that the respondent No.1 was working as Secondary Grade Teacher. She was involved in a criminal case *vide* S.T.C.No.141 of 2009 on the file of Additional Judicial Magistrate of First Class, Jagtial. The allegation against the respondent No.1 in the said case is that she attended the school half-an-hour late on 20.04.2009 and when the Headmistress of the School told her not to sign the attendance register, she got violent and beat the Headmistress in the presence of students. The disciplinary authority, construed the same as misconduct and

placed the respondent No.1 under suspension on 23.04.2009. However, the suspension order was revoked on 28.06.2009. Though the respondent No.1 was acquitted by the competent Criminal Court *vide* judgment, dated 15.04.2011, the disciplinary authority has not regulated the suspension period. Aggrieved by the same, the respondent No.1 has approached the Tribunal by filing the subject O.A.No.3409 of 2012 and pursuant to the interim order, dated 27.04.2012, passed by the Tribunal, the petitioners have treated the suspension period as 'eligible leave'. Thereafter, the Tribunal, *vide* impugned order, dated 11.03.2014, was pleased to dispose of the subject O.A. in favour of the respondent No.1 and directed the petitioners to treat the suspension period as 'on duty' for all purposes with all consequential benefits, without appreciating any of the contentions raised by the petitioners. Therefore, appropriate orders be passed in the Writ Petition by setting aside the impugned order, dated 11.03.2014, passed by the Tribunal and allow the Writ Petition.

4. On the other hand, learned counsel for the respondent No.1 had contended that the issue whether the suspension period can be treated as 'on duty' or not, more so, when no punishment was

imposed, was considered by the Tribunal in O.A.No.1280 of 2013, dated 21.02.2013, and following the said order, dated 21.02.2013, the Tribunal was pleased to dispose of the subject O.A. in favour of the respondent No.1. The petitioners have not challenged the order, dated 21.02.2013, passed by the Tribunal in O.A.No.1280 of 2013 and more so, when no punishment was imposed on the respondent No.1, the competent authority could not have treated the suspension period as 'eligible leave'. Therefore, the Tribunal was justified in allowing the subject O.A. in favour of the respondent No.1. Further, the suspension is only for a period of two months and the financial stake is also very less. If the impugned order passed by the Tribunal is interfered, then the respondent No.1 would be put to irreparable loss and hardship. Therefore, there are no merits in the Writ Petition and the same is liable to be dismissed.

5. This Court, having considered the rival submissions made by the learned counsel for the parties, is of the view that the Tribunal was justified in allowing the subject O.A. in favour of the respondent No.1 by following the order, dated 21.02.2013, passed in O.A.No.1280 of 2013. The issue involved in the present case is with regard to regularising the suspension period of two (2)

months. Admittedly no punishment was imposed on the respondent No.1. As the petitioners have already paid 50% of the salary to the respondent No.1 as subsistence allowance and the only issue is with regard to payment of remaining 50% of the salary to the respondent No.1, this Court is not inclined to interfere with the impugned order, dated 11.03.2014, passed by the Tribunal at this point of time since the suspension period can be treated as 'on duty'.

6. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

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

SD/- K.SREERAMA MURTHY
ASSISTANT REGISTRAR
GP
SECTION OFFICER

//TRUE COPY//

To,

1. Two CCs to GP FOR SERVICES I, High Court for the State of Telangana, at Hyderabad [OUT]
2. One CC to SRI. M. RAMGOPAL RAO, Advocate [OPUC]
3. Two CD Copies

B M
GJP

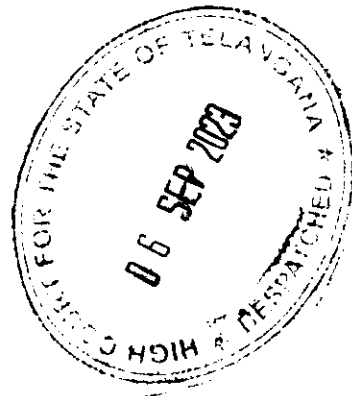
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HIGH COURT

DATED:13/07/2023

ORDER

WP.No.27895 of 2015



DISMISSING THE WRIT PETITION WITHOUT COSTS

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26/8/23