

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

FRIDAY, THE TWENTIETH DAY OF JANUARY
TWO THOUSAND AND TWENTY THREE

PRESENT

**THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND
THE HONOURABLE SRI JUSTICE PULLA KARTHIK**

WRIT PETITION NO: 3689 OF 2010

Between:

The General Managr, Ordinance Factory Medak, Yeddumailaram -502 205,
Medak District.

...PETITIONER

AND

1. P. Manik Reddy, Turner, Ordinance Factory Medak, Yeddumailaram -502
205, Medak District, A.P.
2. The Registrar, Central Administrative Tribunal, Hyderabad Bench, 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 in the nature of Certiorari or any other appropriate writ, order or direction calling for the records pertaining to operation of orders dt. 30-9-2009 issued by the Central Administrative Tribunal, Hyderabad in O.A.No. 772 of 2008 Hyderabad, and quash the same and declare the same as illegal, arbitrary and unconstitutional

I.A. NO: 2 OF 2010(WPMP. NO: 4822 OF 2010)

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 orders dated 30-9-2009 issued by the Central Administrative Tribunal in O.A.No. 772 of 2008, pending disposal of the main Writ Petition, in the interest of justice.

I.A. NO: 1 OF 2010(WVMP. NO: 1535 OF 2010)**Between:**

P. Manik Reddy, Turner, Ordinance Factory Medak, Yeddumailaram -502 205,
Medak District, A.P.

...PETITIONER/RESPONDENT NO.1**AND**

1. The General Managr, Ordinance Factory Medak, Yeddumailaram -502 205,
Medak District.
2. The Registrar, Central Administrative Tribunal, Hyderabad Bench, Hyderabad.

...RESPONDENT/RESPONDENTS

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 vacate the interim orders dt. 19-2-2010 passed in WPMP No. 4822 of 2010 in WP No. 3689 of 2010 being devoid of merits

IA NO: 1 OF 2022**Between:**

The General Managr, Ordinance Factory Medak, Hyderabad
A Unit of Armoured Vehicles Nigam Limited (AVNL)
Sangareddy District
Telangana 502205.

...PETITIONERS/RESPONDENTS**AND**

1. P. Manik Reddy, Turner, Ordinance Factory Medak, Yeddumailaram -502
205, Medak District, A.P.
2. The Registrar, Central Administrative Tribunal, Hyderabad Bench, Hyderabad.

...RESPONDENTS

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

permit the petitioners herein to amend the cause title to the extent of nomenclature, in respect of petitioner No.1 as

The General Manager, Ordnance Factory Medak,
A unit of Armoured Vehicles Nigam Limited(AVNL)
Yedduamialm, Sagareddy District, TS-502205
In the interest of justice

Counsel for the Petitioner: SRI. A. ANURAG, SC
Counsel for the Respondent No.1: SRI. P. V. RAMANA
Counsel for the Respondent No.2: None Appeared
The Court made the following: ORDER

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND
THE HON'BLE SRI JUSTICE PULLA KARTHIK

Writ Petition No.3689 of 2010

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

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 Central Administrative Tribunal (for short, 'the Tribunal'), Hyderabad in O.A.No.772 of 2008, dated 30.09.2009 and to quash the same.

2. Heard Mr. A. Anurag, learned Standing counsel for petitioner and Mr. P.V. Ramana, learned counsel for the 1st respondent.

3. Learned counsel for the petitioner contended that the 1st respondent was working as 'Turner' with the petitioner and was involved in criminal case and was detained for more than 48 hours. On this ground, the petitioner have placed the 1st respondent under suspension on 01.12.2005 and on conclusion of criminal proceedings, he was reinstated into service on 24.02.2008. The petitioners have passed the orders

treating the suspension period as 'not spent on duty' vide proceedings, dated 14.08.2008. Aggrieved by the same, the respondent has approached the Tribunal by filing O.A.No.772 of 2008 and the Tribunal vide orders dated 30.09.2009 was pleased to allow the O.A without appreciating any of the contentions raised by the petitioner.

4. Learned counsel for the petitioner had further contended that the Tribunal failed to appreciate the fact that the 1st respondent was involved in a criminal case and was detained for more than 48 hours and the disciplinary authority has rightly passed the orders treating the suspension period as 'not spent on duty'. The Fundamental Rule 54 clearly states that the disciplinary authority can treat the suspension period as 'not spent on duty' and exercising the powers conferred under F.R. 54 only, the petitioner has passed orders treating the suspension period of the 1st respondent as 'not spent on duty'. This fact was not considered by the Tribunal. Therefore, appropriate orders be passed in the writ petition by setting aside

the orders passed by the Tribunal in O.A.No.772 of 2008, dated 30.09.2009 and allow the writ petition.

5. On the other hand, learned counsel for the 1st respondent contended that the 1st respondent was tried by the Competent Criminal Court and he was acquitted in a criminal case i.e., in C.C.No.209, dated 27.11.2007 and no disciplinary proceedings were initiated against the 1st respondent. The petitioner has reinstated the 1st respondent into service but not followed Fundamental Rule 54 and no opportunity was given to the 1st respondent before passing the impugned orders, dated 14.08.2008 and the Tribunal was justified in allowing the O.A in favour of the 1st respondent. Learned counsel for the 1st respondent had further contended that the petitioner has accepted the judgment rendered by the Competent Criminal Court in S.C.No.209 of 2006, dated 27.11.2007 and once they have accepted and not initiated any disciplinary proceedings, the petitioners were bound to treat the suspension period as 'spent on duty'.

Therefore, there are no merits in the writ petition and the same is liable to be dismissed.

6. This Court, having considered the rival submissions made by the parties, is of the considered view that the Tribunal was justified in allowing the O.A in favour of the 1st respondent as admittedly, the petitioner has not initiated any disciplinary proceedings against the 1st respondent and the petitioner have reinstated the 1st respondent into the service on his acquittal by the Competent Criminal Court. Moreover, the petitioner has also not given any opportunity to the 1st respondent before passing the impugned orders, dated 14.08.2008. Therefore, the Tribunal has rightly allowed the O.A in favour of the 1st respondent. On perusal of the record also, it has come to our notice that the 1st respondent is aged about 64 years and on this ground also, this Court is not inclined to interfere with the orders passed by the Tribunal.

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

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

//TRUE COPY//

SD/- C. PRAVEEN KUMAR
ASSISTANT REGISTRAR /
SECTION OFFICER

To,

1. One CC to SRI. A. ANURAG, STANDING COUNSEL [OPUC]
2. One CC to SRI. P. V. RAMANA, Advocate [OPUC]
3. Two CD copies

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SB 

HIGH COURT

DATED:20/01/2023

ORDER

WP.No.3689 of 2010



DISMISSING THE WRIT PETITION WITHOUT COSTS

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MA
7/2/23