

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION No.4114 OF 2023

ORDER:-

The present Writ Petition is filed under Article 226 of the Constitution of India, seeking the following relief:

“to issue a writ or direction more particularly in the nature of Writ of Mandamus declaring the action of the respondents in not reinstating the petitioner into service as Field Assistants though the Criminal Case filed against the petitioner was ended in acquittal while reinstated the similarly situated persons, as illegal, arbitrary, high handed violation of principles of natural justice and cannot be justified in the eye of law and consequently direct the respondent to reinstate and continue the petitioner as Field Assistant with all consequential benefits in the interest of justice and pass such other order or orders...”

Heard learned counsel for the petitioner, learned Government Pleader for respondent No.1 and learned Standing Counsel appearing for respondent Nos. 2 to 5.

Learned counsel for the petitioner submits that the petitioner is working as Filed Assistant without any complaints or adverse remarks from the superiors. While so, a criminal case was filed against the petitioner, due to which, the petitioner was removed from the service. He further submits that the said criminal case was ended in an acquittal *vide* order dated 17.06.2022 by the competent criminal Court. After acquittal, the petitioner has been requesting the respondent authorities

for reinstatement into service. But for one reason or the other, the respondent authorities did not consider the request of the petitioner. Then, the petitioner filed a detailed representation dated 19.09.2022 to the respondent authorities. He further submits that pursuant to the representation of the petitioner and in view of the bifurcation and formation of the new districts, the subject village of the petitioner comes under the jurisdiction of Tirupati District, whereas, earlier it was within the jurisdiction of Chittoor District. Learned counsel for the petitioner further submits that without considering his representation on merits, the 5th respondent issued an endorsement dated 28.09.2022 stating that the entire record of the petitioner was available with the 4th respondent. Therefore, the petitioner is directed to approach the 4th respondent for consideration of his request. In view of the same, the petitioner again approached the 4th respondent but, the 4th respondent instructed the petitioner that since the village of the petitioner comes within the jurisdiction of the 5th respondent, the 5th respondent is the competent authority for reinstatement of the petitioner in to service. In the said circumstances, the petitioner finally submitted another representation dated 07.10.2022 through registered post to respondent No.5. In spite of receipt of the same, the 5th respondent neither considered nor initiated any steps for reinstatement of the petitioner.

On the other hand, learned Government Pleader as well as learned Standing Counsel for the respondents submits that since the petitioner was acquitted from the criminal case, the case of the petitioner can be considered for reinstatement by the competent authority as per the rules framed by the authorities concerned.

Having regard to the submissions made by the learned counsel for the petitioner and learned counsel for the respondents, this Court is of the opinion to dispose of the Writ Petition, setting aside the endorsement/proceedings dated 28.09.2022 issued by the 5th respondent. Since, the subject village comes under the jurisdiction of the 5th respondent, the 5th respondent shall consider the representation dated 07.10.2022 submitted by the petitioner within a period of four(04) weeks from the date of receipt of a copy of this order.

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

As a sequel thereto, interlocutory applications pending, if any in the writ petition, shall also stand closed.

JUSTICE VENKATESWARLU NIMMAGADDA

Date: 21.02.2023
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