

HON'BLE SRI JUSTICE R. KANTHA RAO

W.P.No.28997 of 2015

ORDER:

Heard learned counsel appearing for the petitioner, learned Government Pleader for Endowments appearing for respondents 1 and 2 and learned Standing Counsel appearing for the 3rd respondent.

This writ petition is filed seeking to declare the proceedings dated 16.12.2014 issued by the 3rd respondent, as illegal and arbitrary.

The petitioner was appointed as Junior Assistant in the 3rd respondent-Temple on consolidated pay. While so, he was placed under suspension vide proceedings dated 16.12.2014 issued by the 3rd respondent on the allegation that verification of the receipt book indicated that the petitioner has misappropriated an amount of Rs.30,000/-. However, within four days, the petitioner remitted the amount admitting his guilt.

Rule 6 of the Office Holders and Servants Punishment Rules, 1987, obviously indicates that the period of suspension shall not exceed six months without permission from the competent authority.

In the instant case, the proceedings impugned

whereunder the petitioner was suspended, do not indicate that any disciplinary proceedings are contemplated against him. Further, no permission was obtained from the competent authority to continue the petitioner under suspension beyond six months and the order of suspension was not reviewed by the competent authority. Therefore, I am of the considered view that the suspension order requires to be revoked.

Consequently, the Writ Petition is disposed of revoking the suspension order dated 16.12.2014 passed by the 3rd respondent. However, this order does not preclude the competent authority to initiate disciplinary proceedings against the petitioner and pass appropriate orders. No costs.

Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE R. KANTHA RAO

8th September, 2015

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