

THE HON'BLE SRI JUSTICE DILIP B.BHOSALE

AND

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

-

WRIT APPEAL No. 288 of 2015

-

-

PC: (per the Hon'ble Sri Justice Dilip B.Bhosale)

-

This writ appeal is directed against the order, dated 03.07.2014, passed in W.P.No.17390 of 2014 filed by the respondent challenging his order of suspension, dated 12.06.2014. By this order, the respondent was placed under suspension for the alleged misconduct. From the order of learned Single Judge, it appears that the respondent challenged his suspension on the ground that he was not given an opportunity of being heard before passing of the order of suspension. In our opinion, learned Judge was not justified in law, in passing the interim order on such a ground and hence, we are inclined to allow this writ appeal. We are also informed that during pendency of the writ appeal, the enquiry has been concluded, holding the respondent guilty of the alleged misconduct, and what remains is only awarding of penalty. In view thereof, learned counsel for the respondent also fairly submits that nothing survives in the writ petition.

In the circumstances, we dispose of this writ appeal by the following order:

“The order, dated 03.07.2014, impugned in the present writ appeal, is set aside. It is open to the appellant-Corporation to take further steps and pass appropriate order at the earliest. It is always open to the respondent to

challenge the action that will be taken against him in pursuance of the enquiry report. The writ petition filed by the appellant also stands disposed of as infructuous”

At this stage, learned counsel for the respondent seeks direction to the appellant-Corporation to release subsistence allowance. Learned counsel for the appellant-Corporation submits that the Corporation shall release the subsistence allowance within a period of four weeks from today. His statement is accepted.

Consequently, miscellaneous petitions, if any, also stand disposed of.

DILIP B.BHOSALE,J

A.RAMALINGESWARA RAO,J

Dt:20.04.2015

kdl

