

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

W.A.No. 852 OF 2015

Between:

National Institute of Technology,
Rep. by its Director, Warangal.

....Appellant

Vs.

Md. Akbar, S/o Md. Afzal, Store Assistant,
Depot of Civil Engineering,
National Institute of Technology, Warangal.

....Respondent

DATE OF JUDGMENT PRONOUNCED: 08.09.2015

-
SUBMITTED FOR APPROVAL:

-
-
**THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO
AND
THE HON'BLE MRS. JUSTICE ANIS**

-
1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? No
 2. Whether the copies of judgment may be
marked to Law Reporters/Journals? Yes
 3. Whether Their Lordship wish to see the
fair copy of the Judgment? No

· **THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO
AND
THE HON'BLE SMT JUSTICE ANIS**

+ W.A. No. 852 of 2015

% Dated 08.09.2015

National Institute of Technology,
Rep. by its Director, Warangal.

....Appellant

Vs.

\$ Md. Akbar, S/o Md. Afzal, Store Assistant,
Depot of Civil Engineering,
National Institute of Technology, Warangal.

....Respondent

! Counsel for the Appellant : A. Venkataramana

^ Counsel for the Respondent : A.K. Jayaprakash Rao

<GIST:

> HEAD NOTE:

? Cases referred

**THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO
AND
THE HON'BLE SMT JUSTICE ANIS**

W.A.No.852 of 2015

J U D G M E N T:

(per Hon'ble Sri Justice Nooty Ramamohana Rao)

This Appeal is directed against the Order passed by the learned Single Judge allowing the writ petition instituted by the respondent herein.

The respondent, who was working as a Store Assistant in the Department of Civil Engineering, National Institute of Technology, Warangal, called in question the correctness of the Orders passed by the Director of the said Institute on 07-08-2015 placing him under suspension pending enquiry. The learned Single Judge, having observed that this Court would not normally interfere with the Order of suspension pending enquiry, but however, in the present case, vague and uncertain allegations were made against the petitioner, which could not be answered by him and hence, the Court is of the considered opinion that the suspension Order is liable to be revoked. Accordingly, the writ petition has been disposed of.

The learned Standing Counsel for the National Institute of Technology, Warangal would submit that the allegations adverted to and referred to are those, which are contained in the Memo dated 22-07-2015, which is only part and parcel of the preliminary enquiry. Charge sheet has not been drawn against the respondent / writ petitioner so far by the Institute. When a charge sheet is drawn, specific allegations will be levelled and the appropriate material, based upon which the allegations are sought to be sustained, will also be made available. During the preliminary enquiry stage only, an opportunity is provided to the writ petitioner, so that if has any material

in support of his conduct, he would be able to demonstrate.

An Order of suspension is a pure and simple administrative and executive action of the competent authority. It is only a step-in-aid for conducting a detailed enquiry later on. Sri Jayaprakash Rao is right in his submission that an Order of suspension is invariably needed to be passed for conducting an enquiry, but however, it is for the competent authority to apply its mind to the gravamen of the charge and then consider "whether it is really required to place an employee under suspension at all or not". Suspension pending enquiry is normally resorted to facilitate easy collection of material in the absence of the employee concerned. It would also help gathering material easily, as people, who might be willing to depose, would feel free to do so in the absence of the employee concerned at the office. But however, it should be remembered that an Order of suspension, some times, leaves a far graver impact on an employee than some of the minor punishments, which could be imposed for a proven misconduct. Therefore, great care has got to be employed while passing an Order of suspension.

Since we have not found any improper exercise of power in placing the writ petitioner under suspension, we find that the crisp Order of the learned Single Judge is clearly not sustainable. The reason assigned by the learned Single Judge that nonspecific allegations have been levelled against the petitioner, for which he cannot be placed under suspension, is not a ground recognized for interfering with an administrative Order by a Court, exercising Judicial Review Power under Article 226 of the Constitution. Hence, we set aside the Order passed by the learned Single Judge allowing the writ petition.

However, the National Institute of Technology, Warangal should frame appropriate charge-sheet, obtain explanation of the writ petitioner and in case he does not admit any of the charges, an Enquiry Officer should be appointed and the enquiry should be

completed as expeditiously as possible, at any rate, before 31-10-2015.

In case the enquiry could not be completed for reasons, which are not attributable to the writ petitioner employee, the Director would immediately consider the feasibility of lifting the suspension and reinstate the employee concerned to duty.

With this, the Writ Appeal stands disposed of at the admission stage, but however, without costs.

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

**NOOTY RAMAMOHANA
RAO, J.**

ANIS, J.

Note:

LR copy to be marked.

(bo)

mrk

08.09.2015.