

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

**TUESDAY, THE TWENTY FOURTH DAY OF NOVEMBER TWO THOUSAND
AND FIFTEEN**

Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.37201 of 2015

Between:

P. Mallikharjuna Swamy,
S/o. Srirangam,
Aged about 50 years, Occ: Asst. Engineer (H),
A.P.S.H.C.L., Kalidindi Mandal,
O/o. Deputy Executive Engineer,
Kalikaluru Sub-Division,
R/o. Kalidindi Village & Mandal,
Krishna District, A.P.

.. Petitioner

AND

A.P. State Housing Corporation Limited,
Rep. by its Managing Director,
Urdhugally, Himayatnagar,
Hyderabad & 2 others

.. Respondents

The Court made the following:

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ORDER:

The petitioner is working as an Assistant Engineer in the respondent Corporation. On the allegation of demand of money from the beneficiaries under the Indiramma Housing Scheme, the petitioner was placed under suspension vide proceedings, dated 11.09.2014. On 18.09.2014, charge sheet is drawn and served on the petitioner. The charge sheet levels allegations of demand and acceptance of money from several beneficiaries. Denying the said allegations, the petitioner submitted his explanation on 08.01.2015. Alleging that consequent to the explanation submitted by the petitioner and that illegally his suspension is continued, this writ petition is filed.

2. When the matter is taken up, Sri T. Sudhakar Reddy, learned Standing Counsel produced a letter of the Project Director, Andhra Pradesh State

Housing Corporation Limited, Krishna District (3rd respondent), dated 24.11.2015. It is stated in the letter that the file was under circulation to the District Collector/Executive Director, A.P. State Housing Corporation Limited, Krishna District (2nd respondent) for review of suspension and appointment of Enquiry Officer.

3. Admittedly, there is no progress in the enquiry after the charge sheet is served on the petitioner. The letter circulated to the learned Standing Counsel do not disclose the reasons for not appointing the Enquiry Officer. It only refers to the circulation of file for the purpose of review of suspension and for appointment of Enquiry Officer. Thus, the petitioner is not responsible for delay in conducting of enquiry.

4. It is settled principle of law that an employee cannot be placed under suspension and kept under suspension endlessly and without commencing the enquiry even assuming that the allegations leveled against an employee are grave. For more than one year, the petitioner is under suspension for no fault of him.

5. However, having regard to the allegations made in the charge memo, the Writ Petition is disposed of as under:

As proposals are already submitted to the District Collector/Executive Director, Andhra Pradesh State Housing Corporation Limited, Krishna District (2nd respondent), the District Collector shall take a decision with reference to the desirability of further continuation of suspension, as expeditiously as possible, preferably within a period of two (2) weeks from the date of receipt of a copy of this order. Since the issue is pending for more than one year, the respondent Corporation shall take immediate steps to appoint Enquiry Officer and shall conclude the enquiry within the fixed time frame by affording due opportunity to the petitioner. The enquiry proceedings shall be completed as expeditiously as possible, preferably within a period of two (2) months. For any reason if the enquiry proceedings cannot be completed and the delay in

completion of enquiry is not attributable to the petitioner and even if the suspension on review is extended, the suspension order stands lifted after completion of two (2) months from the date of receipt of copy of this order and the petitioner shall stand reinstated. However, such reinstatement shall be without prejudice to the completion of the enquiry and enquiry proceedings.

There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 24th November, 2015

Note: Issue C.C. in three (3) days.

(B/o.)

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.37201 of 2015

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Date: 24th November, 2015

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