

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No. 12475 OF 2015

ORDER:

The petitioner, who was employed as a Senior Assistant in the Office of the Mandal Parishad Development Officer, Palvoncha, is placed under suspension by the Chief Executive Officer of Zilla Praja Parishad, Khammam, by his proceedings, dated 16.07.2014, for his involvement in Crime No. 389 of 2013 booked against him for the offences under Sections 353, 294(b) and 506 of the Indian Penal Code. It appears, the police have apprehended him and he was confined to the custody for more than 48 hours. Therefore, the Chief Executive Officer has passed the impugned order treating the petitioner to have been placed under suspension. It is this order, which is now under challenge.

As per the principle enunciated by the Supreme Court in

L. Chandra Kumar v. Union of India^[1], the petitioner must approach, at the first instance, the Andhra Pradesh Administrative Tribunal. The learned counsel for the petitioner would submit that the petitioner has approached the Tribunal, but the Tribunal has not passed any order so far. It is therefore, for the petitioner to persuade the Tribunal to pass appropriate orders on his Original Application, at the earliest. Pending consideration of the O.A. by the Tribunal, the petitioner cannot invoke the jurisdiction under Article 226 of the Constitution of India. Therefore, only on that ground, the present Writ Petition is dismissed. No costs.

Consequently, the miscellaneous applications, if any shall also stand dismissed.

NOOTY RAMAMOHANA RAO, J

27th April 2015
ksld

[\[1\]](#) (1997) 3 SCC 261