

**HON'BLE SRI JUSTICE R. KANTHA RAO**

**Writ Petition No.14067 of 2015**

**ORDER:**

The petitioner is an Assistant Divisional Engineer in APSPDCL (Operations), Yerragondapalem Mandal, Prakasam District, Andhra Pradesh. According to the petitioner, one Manda Issac, who applied for installation of transformer in his land, falsely implicated him in the ACB trap got him arrested by ACB Police. Thereafter, he was released on bail. A case was registered against the petitioner by the ACB and charge sheet was also filed. Consequent to the involvement of the petitioner in the ACB case, he was suspended by the Department. The grievance of the petitioner is that he was falsely implicated in the ACB case and the Department without verifying the true facts, in a mechanical way placed him under suspension and continuing him under suspension without reviewing the same. Therefore, he filed the present writ petition seeking writ of *mandamus* declaring the action of the 2<sup>nd</sup> respondent in not reinstating him in to service after completion of 90 days of suspension period and to pass appropriate orders directing reinstatement of the petitioner.

2. I have heard Sri V.R. Machavaram, learned counsel appearing for the petitioner, learned Government Pleader appearing for the 1<sup>st</sup> respondent and Smt. J. Koteswari Devi, learned standing counsel for respondents 2 to 4.

3. Learned counsel appearing for the petitioner relied upon a judgment of the Apex Court in '***Ajay Kumar Choudhary vs. Union of India, through it's Secretary and another***' in Civil appeal No.1912 of 2015 arising out of SLP (C) No.31761 of 2013, wherein, the Apex court took a view that the currency of a suspension order should not extend beyond three months. If within this period the Memorandum of charges/charge sheet is served on the delinquent officer/employee, a reasoned order must be passed for the extension of the suspension after reviewing the same. The Supreme Court passed the judgment on the principle of protecting human dignity and the right to a speedy trial and also to preserve the interest of the

government in the prosecution.

4. In the instance case, though suspension order was passed on 28.11.2014 and 90 days have been elapsed, the 2<sup>nd</sup> respondent did not serve the charge sheet on the petitioner. Having regard to the facts and circumstances of the case, the 2<sup>nd</sup> respondent is directed to review the suspension order and pass appropriate orders in the light of the decision rendered by the Supreme Court.

5. The writ petition is accordingly disposed of. No order as to costs. Miscellaneous petitions if any, pending in the writ petition, shall stand closed. No order as to costs.

***R. KANTHA RAO, J***

Date: 08.06.2015

Note: Furnish CC in three days

(BO)

BSS

**HON'BLE SRI JUSTICE R. KANTHA RAO**

-

**URGENT**

**25**

-

-

**Writ Petition No.14067 of 2015**

-

-

-

-

— — — — —

- 
- 
- 
- 
- 
- 
- 
- 
- 

**Date: 08.06.2015**

BSS