

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

PRESENT

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA

AND

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT APPEAL NO.334 OF 2015

DATED:28.4.2015

Between:

B. Krishtaiah ... Appellant

And

The State of Andhra Pradesh

Rep. by its Secretary

Consumer Affairs, Food and Civil Supplies (CS.I)

Department

Secretariat

Secretariat Buildings

Hyderabad

and others ... Respondents

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA

AND

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT APPEAL NO.334 OF 2015

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JUDGMENT: (per the Hon'ble The Chief Justice Sri Kalyan Jyoti Sengupta)

The writ petition was filed by the appellant to impugn the suspension order which

was passed by the Department pending final decision in the enquiry to be conducted. The learned Trial Judge has rightly held that this sort of order need not be interfered with by the Writ Court as the order does not assume the character of finality, and enquiry is pending. The learned counsel for the appellant wants to reiterate the argument made before the learned Trial Judge. We do not find that there is substance in the argument.

Therefore, we accept the order of the learned trial Judge. However, we add that the respondents authorities must complete the enquiry and decide the matter finally by giving hearing to the petitioner and passing a speaking order, within two months from the date of communication of this order. In the event, in spite of service of notice, the appellant does not turn up for hearing so to be taken, the departmental authorities will proceed in his absence and pass an appropriate order in accordance with law. We make it clear that if the department fails to complete the enquiry within two months from the date of receipt of a copy of this order as directed by this Court, then the order of suspension will stand revoked.

The appeal is accordingly disposed of.

Pending miscellaneous petitions, if any, shall stand closed. There will be no order as to costs.

K.J. SENGUPTA, CJ

SANJAY KUMAR, J

28.4.2015

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