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HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.40150 of 2015

ORDER:

The petitioner is a Field Assistant. On the allegations as a Field Assistant, disciplinary action was initiated against him and pending disciplinary action, his services were also placed under suspension on 04.09.2015. Allegations were communicated to the petitioner. The petitioner filed explanation on 21.10.2015. Alleging that on illegal grounds the petitioner was placed under suspension, this writ petition is filed.

2. As seen from the order impugned in the writ petition, disciplinary action is initiated against the petitioner on several allegations and pending enquiry into the said allegations, the petitioner is placed under suspension. The order of suspension is passed by the competent authority. Once disciplinary action is initiated and enquiry is pending, it is permissible for the competent authority to place the concerned employee under suspension and I, therefore, do not see any illegality in the order passed. Therefore, the writ petition is liable to be dismissed.

3. However, learned counsel for the petitioner submitted that 30 days time is prescribed in the Human Resources Policy for completion of the disciplinary proceedings and since 30 days is already expired, the petitioner ought to have been reinstated. There is no merit in the said contention. The Human Resources Policy do

not provide for reinstatement if enquiry is not completed.

4. Accordingly, the Writ Petition is dismissed. However, since the explanation is already filed by the petitioner, the Project Director and Additional District Programme Coordinator, DWMA, East Godavari District, Kakinada (3rd respondent) is directed to finalize the disciplinary action, as expeditiously as possible, preferably within a period of one month from the date of receipt of copy of this order. If disciplinary proceedings are not concluded within a period of one month from the date of receipt of copy of this order, the petitioner shall stand reinstated. 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: 11th December, 2015

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