

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION NO.12162 OF 2003

ORDER:

This writ petition is filed challenging the proceedings dated 15.06.2003 passed by the 3rd respondent-Personnel Officer, Krishna Region, Vijayawada, wherein the petitioner was suspended from service, pending enquiry, on certain allegations.

This Court while admitting the writ petition, granted the following interim order in W.P.M.P.No.15124 of 2003, dt.26.06.2003:

“Normally this Court does not interfere with the orders of suspension pending enquiry passed against an employee. However, in this case, the petitioner is suspended on the ground that he supplied a book of general knowledge to one of the candidates in the examination held on 15.06.2003. For this, reliance is placed upon the report dt.15.06.2003 of the Deputy Chief Accounts Officer.

A perusal of the report of the Deputy Chief Accounts Officer discloses that it is the petitioner who caught the candidate red-handed while he was copying. There is not even an iota of allegation against the petitioner as regards supply of any material.

Under these circumstances, there shall be interim suspension of the impugned order”.

The interim order is still continuing. In view of the interim order, the petitioner continued in service.

The learned counsel for the petitioner submits that the writ petition is filed when the petitioner was aged 54 years and by afflux of time, he

attained the age of superannuation. In view of the same, nothing survives in the writ petition.

No counter affidavit is filed by the respondents. It is stated by the learned counsel for the respondents that the impugned order was passed basing on certain allegations against the petitioner.

In view of the above, the impugned order is set aside. It is open for the respondents to take action against the petitioner in accordance with law, regarding the allegations raised against him. Since the petitioner has attained the age of superannuation, the suspension of the petitioner does not arise.

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

A.RAJASHEKER REDDY, J

Dt.29.10.2015

TJS

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

-

WRIT PETITION NO.12162 OF 2003

-

Dt.29.10.2015