

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No. 7109 OF 2015

ORDER:

Learned Standing Counsel, who accepted notice on behalf of the 4th respondent temple, would submit that the Enquiry Officer has been appointed and the enquiry is likely to be completed within a period of 30 days from today.

Be that as it may, for any reason, if the enquiry is not going to be completed latest by 30.04.2015, the petitioner cannot be continued under suspension any longer as prolonged suspension for no justifiable reason can be appreciated. The petitioner is not at fault in not completing the enquiry. He has submitted his explanation denying the charges levelled against him long back. It is, in fact, the competent authority, who has not acted promptly in appointing the Enquiry Officer and getting the enquiry completed in quick time.

It is time to realize that placing a person under suspension and forgetting about his existence is not the best of the things that should happen. A person, who has been confined to suspension, suffers a graver punishment than some of the minor punishments listed out, which could be inflicted for a proven misconduct. The agony, which one suffers due to prolonged suspension and the loss of face amongst the colleagues and peers and in the general public, is mostly irredeemable. Therefore, prompt action must be taken for completing the enquiry. This apart, without extracting one rupee worth work from the petitioner, he would be paid the subsistence allowance at a considerable percentage of wages drawn by him on month to month basis. Apart from this financial strain, a substitute will have to be engaged in his place and that substitute will have to be paid his wages. Otherwise, the work, which is being performed by the employee concerned, will have to be additionally handled by some one else by way of entrustment. Looked at it from any perspective, prolonged suspension of an employee is not most conducive and

would also not contribute to the productivity.

Therefore, the 4th respondent is directed to get the enquiry completed latest by 30.04.2015 and the petitioner shall cooperate for completing the enquiry. However, the Enquiry Officer shall follow and adhere strictly to the procedure prescribed for completing the enquiry and he shall not deny any fair or reasonable opportunity to the petitioner to put forth or establish his defence. Similarly, any documentary evidence, which is in the custody of the respondents, which the petitioner seeks to rely upon, shall not be denied access to the petitioner. If, for any reason, the enquiry is not completed and if no final orders are passed, the 4th respondent shall reinstate the petitioner to duty subject to the outcome of the disciplinary proceedings. No costs.

With this, the Writ Petition stands disposed of. No costs.

Consequently, the miscellaneous applications, if any shall also stand disposed of.

NOOTY RAMAMOHANA RAO, J

25th March 2015

ksld