

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.36170 of 2015

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DATED : 06.11.2015

Between :

Nalamasa Mallaiah S/o.Veeraiah,
Aged about 35 yrs, Occu : Field Assistant in
Mahatmagandhi National Rural Employment
Guarantee Scheme of Mukundapuram Village,
Nuthankal Mandal, Nalgonda District.

.. Petitioner

and

The State of Telangana,
Rep., by its Principal Secretary,
Panchayat Raj and Rural Development Department,
Secretariat, Hyderabad & 5 others.

.. Respondents

This court made the following :

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ORDER :

The petitioner while working as Field Assistant of Mukundapuram Village, Nuthankal Mandal, Nalgonda District, certain irregularities are noted by the Mandal Parishad Development Officer, Nuthanakal, and he placed the petitioner under temporary suspension from service by his proceedings dated 04.06.2015. Thereafter by proceedings dated 04.09.2015 the Project Director-cum-Ex-Officio Joint Secretary, SRDS, Nalgonda, Nalgonda District (4th respondent) issued show cause notice calling upon the petitioner to submit his explanation on nine allegations leveled against him as well as pending enquiry he was placed under suspension. The 4th respondent is the competent authority to place petitioner under suspension. In response to the show cause notice, petitioner filed his explanation on 16.09.2015 and further representation on 13.10.2015. But so far no orders are passed. At this stage, this writ petition is filed.

2. Learned counsel for the petitioner contends that the suspension of the petitioner is not valid. After completion of 90 days, if enquiry is not completed and since petitioner is under suspension for more than 90 days, continuation of suspension is not warranted by law.

3. Learned Standing counsel does not dispute the fact that Mandal Parishad Development Officer is not competent to place the Field Assistant under suspension and therefore, proper order of suspension was passed by the Project Director (4th respondent) by issuing show cause notice on the charges leveled against the petitioner by proceedings dated 04.09.2015.

4. Having regard to the fact that Mandal Parishad Development Officer is not competent, the order of suspension dated 04.06.2015 is non-est in the eye of law. Therefore, the petitioner shall be deemed to have been in service from 04.06.2015 to 04.09.2015 and allowances payable to the petitioner as Field Assistant shall be paid for the said period.

5. As seen from the show cause notice issued on 04.09.2015 prima-facie the allegations leveled are grave in nature. Therefore, at this stage, directing the respondents to restore the petitioner to service does not arise. However, having

regard to the fact that explanation is already filed by the petitioner, the 4th respondent is directed to complete enquiry as expeditiously as possible and pass final orders within a period of six (6) weeks from the date of receipt of copy of this order. Petitioner is also directed to cooperate in concluding the enquiry as expeditiously as possible.

6. With the above directions, the writ petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

_____**P.NAVEEN RAO,J**

06th November, 2015

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