

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.35387 of 2015

-
30.10.2015

Between:

N.Perumallu

.. Petitioner

and

The Telangana State Power Generation Corporation Limited,
Hyderabad and others

.. Respondents

Counsel for the petitioner: Mr.Pullu Rao Yellanki

Counsel for the respondents: --

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The Court made the following:

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ORDER:

The petitioner, who figured as accused No.4 in Crime No.464 of 2014 of Paloncha Town Police Station, registered for the offences punishable under Sections 356, 380 and 411 I.P.C., was placed under suspension, *vide* impugned memo, dated 19.12.2014, of respondent No.2. The petitioner made a representation on 30.06.2015 for revoking the suspension order to respondent No.3, who in turn forwarded the same to respondent No.2, *vide* his letter, dated 01.07.2015, with a request to take further action. As no further action has been taken by respondent No.2, the petitioner filed this writ petition.

A perusal of the suspension order shows that the petitioner was kept under suspension pending enquiry on the ground that he was detained in Police custody on a criminal charge for a period exceeding 48 hours. Thus, the suspension order, *prima facie*, reveals that the respondents have contemplated an enquiry pending which the petitioner was kept under suspension. An employee cannot be kept under suspension for unduly long period. However, an option is left to the employer whether to hold departmental enquiry by framing charges or to await the outcome of the criminal case, in which the delinquent employee is involved. Either way, the respondents are bound to take a decision whether to continue the petitioner under suspension or not and in the event of their intending to continue the petitioner under suspension, they have to state proper reasons for such decision.

In the above view of the matter, respondent No.2 is directed to take a decision on the letter, dated 01.07.2015, addressed by respondent No.3 whether to continue the petitioner under suspension or not and communicate the same to the petitioner within a period of

two weeks from the date of receipt of a copy of this order.

Subject to the above direction, the Writ Petition is disposed of.

As a sequel to disposal of the writ petition, W.P.M.P.No.45477 of 2015 filed by the petitioner for interim relief shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

30th October, 2015

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