

HON'BLE SRI JUSTICE R. KANTHA RAO

Writ Petition No.17992 of 2015

ORDER:

The petitioner is an Assistant Divisional Engineer in APSPDCL (Operations), Visannapet, Krishna District, Andhra Pradesh. According to the petitioner, one Vamsi Krishna, an Electrical Contractor, who executed works amounting to Rs.23.00 lakhs for erection of poles and transformers for his agriculture connection, falsely implicated him in the ACB trap got him arrested by ACB Police. Thereafter, he was released on bail. A case was registered against the petitioner by the ACB and charge sheet was also filed. Consequent to the involvement of the petitioner in the ACB case, he was suspended by the Department. The grievance of the petitioner is that he was falsely implicated in the ACB case and the Department without verifying the true facts, in a mechanical way placed him under suspension and continuing him under suspension without reviewing the same. Therefore, he filed the present writ petition seeking writ of *mandamus* declaring the action of the 2nd respondent in not reinstating him in to service after completion of 90 days of suspension period and to pass appropriate orders directing reinstatement of the petitioner.

2. I have heard Sri V.R.N. Prashanth, learned counsel appearing for the petitioner and Smt. J. Koteswari Devi, learned standing counsel for respondents.

3. Learned counsel appearing for the petitioner relied upon a judgment of the Apex Court in '***Ajay Kumar Choudhary vs. Union of India, through it's Secretary and another***' in Civil appeal No.1912 of 2015 arising out of SLP (C) No.31761 of 2013, wherein, the Apex court took a view that the currency of a suspension order should not extend beyond three months. If within this period the Memorandum of

charges/charge sheet is served on the delinquent officer/employee, a reasoned order must be passed for the extension of the suspension after reviewing the same. The Supreme Court passed the judgment on the principle of protecting human dignity and the right to a speedy trial and also to preserve the interest of the government in the prosecution.

4. In the instance case, though suspension order was passed on 11.11.2014 and 90 days have been elapsed, the 2nd respondent did not serve the charge sheet on the petitioner. Having regard to the facts and circumstances of the case, the 2nd respondent is directed to review the suspension order and pass appropriate orders in the light of the decision rendered by the Supreme Court.

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

R. KANTHA RAO, J

Date: 19.06.2015
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