

**MONDAY, THE SEVENTH DAY OF DECEMBER TWO THOUSAND
AND FIFTEEN**

HON'BLE SRI JUSTICE P.NAVEEN RAO

Between:

.. Petitioner

AND

.. Respondents

The Court made the following:

-
-
-
-
-
-
-

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.38028 of 2015

-
ORDER:

With the consent of the learned counsel for the petitioner and the learned Special Counsel for the respondents, this writ petition is disposed of at the admission stage.

2. The petitioner is a Field Assistant. Alleging that he has committed certain irregularities while functioning as a Field Assistant, by proceedings, dated 09.05.2013, he was temporarily withdrawn from services (suspension). Alleging that so far, there is no progress in the enquiry and unnecessarily he is kept out of service, this writ petition is filed.

3. Learned Special Counsel produced written instructions furnished to him by the Project Director and Additional District Programme Coordinator, District Water Management Agency, East Godavari District, Kakinada (4th respondent).

4. The written instructions furnished to the learned Special Counsel would disclose that the petitioner was placed under suspension on the allegations levelled against him which are communicated to the petitioner vide impugned Memo, dated 09.05.2013. The petitioner has immediately filed his explanation on 24.05.2013, but there is no progress in the said enquiry and no reasons are assigned in the written instructions as to what steps were taken after the explanation is filed. From the instructions, it appears

that the District Collector, East Godavari District, Kakinada (3rd respondent) received instructions from the State Commissioner of Scheduled Castes and Scheduled Tribes, Hyderabad, forwarding the representations alleging violations of the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The enquiry was conducted and report of the enquiry was submitted on 05.12.2013. It appears that the report held that petitioner did not commit any illegality. It appears that the report is forwarded to the State Commission, but thereafter, there is no further progress.

5. According to the learned counsel for the petitioner, even the complainant has subsequently withdrawn the complaint, but for no reason, the petitioner is kept out of service and being harassed and humiliated.

6. Admittedly, the petitioner was placed under suspension on 09.05.2013. Along with the order of suspension, he was also served with charges and an explanation thereon was filed within the time granted to the petitioner. It appears that there is no progress in the enquiry. Only on the ground that the complaint was received on violation of the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the suspension was made and is continued. When the enquiry was conducted and the Enquiry Officer *prima facie* held that there is no basis in the allegations levelled against the petitioner, there is no justification for keeping the petitioner under suspension. According to the Human Resources Policy and the circular instructions issued from time to time, whenever a person is placed under suspension, an enquiry has to be conducted and disciplinary action shall be concluded within a period of four (4) weeks, but even after two-and-a-half (2½) years, there is no progress. Learned Special Counsel also stated that the post is kept vacant and no other person is appointed. Thus, further continuation of the

petitioner under suspension is *ex facie* illegal and it is liable to be set aside and, accordingly, the impugned Memo, dated 09.05.2013, is set aside.

7. Accordingly, the Writ Petition is allowed. However, it is always open to the respondent authority to take action, as warranted by law. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 7th December, 2015

KL



HON'BLE SRI JUSTICE P.NAVEEN RAO

-
-
-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

WRIT PETITION No.38028 of 2015

Date: 7th December, 2015

KL