

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No. 5271 OF 2015

ORDER:

The petitioner was working as a Lab Record Assistant with the 4th respondent college. He was arrayed by the police as Accused No.4 in a crime registered as F.I.R. No. 241 of 2014 on 26.04.2014 relating to commission of an offence of generating fake and fraudulent orders of appointment as government servants in favour of Accused Nos. 1 and 2. He was also arrested by the police in connection with the said crime. Hence, the management of the college placed him under suspension pending enquiry on 27.04.2014. The grievance in this case is that the criminal case is likely to take longer time for conclusion and hence, the management of the college cannot continue the petitioner under suspension for longer periods without in any manner proceeding against him and now that the police have already filed a charge sheet into the crime after completing the investigation, he can as well be reinstated to duty. Hence, this Writ Petition.

When a person is involved in a serious crime, it is for the management to consider the appropriateness and feasibility of reinstating such an employee into service, while the criminal case is still pending. But at the same time, it must be remembered that a person cannot be confined to prolonged periods of suspension unproductively. Therefore, let an appropriate review take place of the orders passed on 27.04.2014 by Respondents 4 and 5 and appropriate decision in the matter be taken and communicated to the petitioner. If necessary, Respondents 4 and 5 may collect the material from the police for the purpose of being satisfied as to whether the petitioner has played any direct and active role in the commission of the offence or not.

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

04th March 2015

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