

**HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO**

**WRIT PETITION No. 35130 of 2014 and C.C.No.1188 of 2015**

**COMMON ORDER:**

1. The petitioner was appointed as Assistant Professor in Mechanical Engineering for a period of one year by proceedings dated 21.09.2002 on a consolidated pay of Rs.10,000/- per month and he joined the duty on 23.09.2002. After completion of one year, he was again appointed on 26.09.2003 for a further period of one year and he was put in the Pay Scale of Rs.8000-275-13500. Later on, he was appointed as Assistant Professor and put on probation for a period of one year. After completion of one year, he became an approved probationer. Later on, he acquired Ph.D degree in Mechanical Engineering in the year 2010. He submitted a representation on 29.10.2010 to the University requesting it to consider his case for promotion as Associate Professor. He further states that a Charge Memo was issued to him on 12.02.2014 since he did not obey the orders of the Head of the Department and he submitted his explanation on 18.02.2014. No further action was taken after submission of the explanation. Thereafter, he was placed under suspension by order of the Registrar dated 31.10.2014 issued in the name of the Joint Registrar. Challenging the said order of suspension, the present writ petition was filed.

2. A counter-affidavit was filed by respondents 3 to 5 stating that when on an earlier occasion, a charge memo was issued to the petitioner, he submitted an explanation on 18.02.2014 stating that he

would not repeat the mistakes. After considering the same, the petitioner was excused. A complaint was received from the Department where the petitioner was working and after going through the complaint, the Vice Chancellor took a decision on 25.10.2014 to place the petitioner under suspension. In pursuance of the said decision, the petitioner was placed under suspension on 31.10.2014. It is further stated that if the petitioner cooperates with the enquiry, the disciplinary authority is ready and willing to follow the procedure.

3. This Court by order dated 19.11.2014 granted interim suspension of the impugned order dated 31.10.2014. Seeking vacation of the said order, WVMP No.3796 of 2014 was filed and it is pending.

4. Alleging non-implementation of the order of this Court dated 19.11.2014, Contempt Case No.1188 of 2015 was filed.

5. It is submitted by the learned Counsel for the petitioner that the Vice Chancellor is the competent authority for taking any action against the petitioner including placing him under suspension, but the impugned order was passed by the Joint Registrar.

6. Learned Standing Counsel for the respondents 3 to 5 produced before this Court a copy of the order dated 25.10.2014 passed by the Vice-Chancellor keeping the petitioner under suspension pending enquiry. The said order was communicated by the Joint Registrar and in the circumstances, it cannot be held that

the impugned order was passed by the Joint Registrar, who is not competent to pass such an order. No action was taken by the University in view of pendency of the matter before this Court.

7. In the circumstances, the Writ Petition is disposed of giving liberty to the 3<sup>rd</sup> respondent to complete the proposed enquiry within a period of three months from the date of receipt of a copy of this order and the petitioner shall cooperate with the conclusion of the enquiry. No order as to costs.

8. In view of disposal of the Writ Petition, no further orders are required to be passed in Contempt Case No.1188 of 2015. Accordingly, the Contempt Case is closed.

9. At this stage, the learned Counsel for the petitioner submits that the petitioner is not being paid subsistence allowance since the date of his suspension. Since the said issue is not an issue in the present writ petition, this Court is not inclined to give a finding on the said issue. However, the petitioner is given liberty to submit a representation to the respondent-University, which shall consider and dispose of the same in accordance with law. No order as to costs.

10. Miscellaneous petitions, if any, pending shall stand closed.

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**A.RAMALINGESWARA RAO, J**

