

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.33689 of 2016

ORDER:

Heard Si P.R.K.Amarender Kumar for petitioners, Government Pleader for Panchayat Raj and Mr.N.Sidhar Reddy for 4th respondent.

To conclude that the writ prayer is no more effective, this court finds it convenient to chronologically state the happenings in the matter.

On 09-06-2016, the 2nd respondent placed the 4th respondent under suspension under Section 249 (6) of the A.P.Panchayat Raj Act, 1994 (for short 'the Act'). Against the order of suspension, the 4th respondent availed writ remedy and on being unsuccessful, invoked the revisional jurisdiction of 1st respondent under Section 264 (1) of the Act.

Section 249(6) of the Act reads thus:-

“If the District Collector is of the opinion that a Sarpanch or a Upa-Sarpanch or any member of a Gram Panchayat or the Government are of the opinion that any President or Vice-President or the Chairperson or Vice-Chairperson or any member of a Mandal Parishad or Zilla Parishad willfully omitted or refused to carry out the orders of Government for the proper working of the concerned local body or abused his position or the powers vested in him, and that the further continuance of such person in office would be detrimental to the interests of the concerned local body or the inhabitants of the village, Mandal or District, the District Collector or as the case may be, Government may, by order, suspend such Saranch or Upa-Sarpanch

or President or Vice-President or as the case may be, the Chairperson or Vice-Chairperson or member from office for a period not exceeding three months, pending investigation into the said charges and action thereon under the foregoing provisions of this Section :

Provided that no order under this sub-section shall be passed unless the person concerned has had an opportunity of making a representation against the action proposed ;

Provided further that it shall be competent for the Government to extend, from time to time, the period of suspension for such further period not exceeding three months, so however that the total period of suspension shall not exceed six months ;

Provided also that a person suspended under this sub-section shall not be entitled to exercise the powers and perform the functions attached to his office and shall not be entitled to attend the meetings of the concerned local body except a meeting held for the consideration of a no-confidence motion.

Admittedly, the three months period expired on 08-09-2016. The 1st respondent neither at the request of the 2nd respondent nor *suo motu* in the pending revision desired to extend the suspension for three more months from 08-09-2016. The fact of the matter is that the enquiry is pending before the 2nd respondent. Further, order continuing suspension of 4th respondent is not passed by 1st respondent. After expiry of three months period, on 23-09-2016, the 1st respondent issued Memo impugned in the writ petition.

On 30-09-2016, this court suspended Memo dated 23-09-2016. The summary of above discussion leads to the conclusion that so many proceedings are initiated, continued and concluded without

verifying the validity period of order of suspension passed on 08-06-2016. On the short ground that with the completion of three months from the date of passing of the suspension order, there is no cause for continuation either by the petitioners or 4th respondent. The challenge to Memo is equally unnecessary and unsustainable.

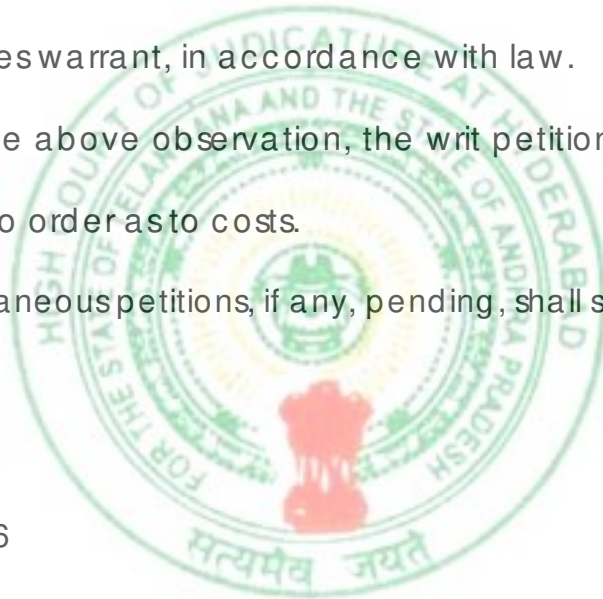
On this ground, the writ petition is dismissed. It is made clear that this Court has not considered the allegations against 4th respondent or examined the explanation of 4th respondent on the pending charges before 2nd respondent. It is for the competent authority to proceed further in the matter, if circumstances warrant, in accordance with law.

With the above observation, the writ petition is accordingly dismissed. No order as to costs.

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

Dt: 03-11-2016
Prv

S. V. BHATT, J



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Prv