

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.35253 of 2016

ORDER:

Heard the learned counsel for petitioner and Ms.K.Udaya Sri, learned Standing for respondents.

2. Petitioner has assailed the memo dt.28.09.2016 issued by the 1st respondent suspending the petitioner on the allegation that he has arranged fake/forged documents for another employee for obtaining a House Building Advance.

3. Though learned counsel for petitioner contends that the order does not indicate that it is a case of suspension pending enquiry, the fact that the same order mentions about subsistence allowance, establishes that it is a case of suspension pending enquiry.

4. Learned counsel for petitioner further contended that the competent authority to suspend the petitioner is the Chief Engineer and that the order has been passed by the Chairman and Managing Director.

5. Since the person who passed the order of suspension of petitioner is superior in rank to the competent authority, I do not find any irregularity in the exercise of power by the Chairman and Managing Director of the 1st respondent in suspending the petitioner.

6. Learned counsel for petitioner also contended that the very allegation made against petitioner is false and that petitioner *prima facie* cannot be suspended on that ground.

7. Whether petitioner is actually guilty of the allegation made against him is a matter for enquiry, which is yet to commence. At this stage, it is not possible to give any advance ruling on the innocence or guilt of petitioner.

8. Therefore, I do not find any merit in the Writ Petition and it is accordingly dismissed. No costs.

9. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

19th October, 2016.
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M.S.RAMACHANDRA RAO, J

