

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.16252 OF 2007

ORDER

The writ petition is filed questioning the suspension proceedings dated 14.05.2007, issued by the respondent on the ground that there was a complaint received against the petitioner from his wife one Smt Shadala Deepa and further he was involved in a case in Crime No.148 of 2007 on the file of Police Station, Sircilla under Sections 498A and 494 of IPC and Section 4 of Dowry Prohibition Act, 1961.

This Court after taking into consideration of the judgment of a Division Bench of this Court reported in **P. Rajender v. Union of India and another**¹, suspended the suspension order dated 14.05.2007 and the petitioner is continuing in service and discharging the functions as Conductor.

Learned counsel for the respondent submits that on the even date 14.05.2007, the petitioner was also issued with a charge sheet with four charges and the enquiry is inconclusive on account of the pendency of the present writ petition.

Having considered the respective submissions so far as the petitioner had challenged only the suspension order which prima facie found to be not sustainable, this Court had also suspended the same on 30.07.2007 and the petitioner is continuing in service.

Learned counsel for the petitioner submits that as a matter of fact by judgment dated 17.04.2014, Junior Civil Judge, Sircilla, Karimnagar acquitted the petitioner in C.C.No.451 of

¹ 2001(5) ALD 290 (DB)

2007. Inasmuch as of date the petitioner had already been continued in service, there is no requirement of this Court expressing any opinion with respect to any charges and explanation submitted by the petitioner as that was not the subject matter of the present writ petition. In those circumstances and especially in view of the judgment of the Division Bench of this Court in **P. Rajender** (1 supra) wherein it was held that the suspension shall not be a routine affair unless the public interest justifies, the interest of justice would be served if the writ petition is disposed of by making the interim order dated 30.07.2007, passed by this Court in W.P.M.P.No.20675 of 2007 as a final order. However, it is made clear that the respondent, if so desires is at liberty to take appropriate steps against the petitioner, in accordance with law.

With the above observations, the writ petition is disposed of. No order as to costs.

Miscellaneous petitions, if any pending in this writ petition shall stand closed.

CHALLA KODANDA RAM,J

Date:22.11.2016,
Gk.

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