

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.34652 of 2016

ORDER

This writ petition is filed seeking to declare the suspension Memo dated 28.9.2016 issued by the first respondent, as arbitrary and illegal.

The first petitioner was appointed as Dozer Operator (Foremen Gr-I) and the second petitioner was appointed as Mazdoor on 17.3.1998. The petitioners availed house building advance for purchase of a house during the financial years 2015-16 and 2016-17 and availed loan amount of Rs.12,30,000/- each on 4.4.2016 and 11.4.2016. The first petitioner entered into an agreement with the vendor on 4.2.2016 in respect of the house bearing in Sy.No.142 of Kothagudem Town and Mandal, Khammam District, but could not purchase the same since the same was situated in Government land. Thereafter, he entered into an agreement on 24.3.2016 with another vendor to purchase RCC roofed building situated in H.No.21-1-51/1 Bapujinagar, Paloncha and that transaction also did not materialise. He submitted a representation dated 18.7.2016 to the 1st respondent explaining the practical difficulties and sought for six months time to purchase another house in view of cancellation of previous agreement. Thereafter, he purchased house bearing No.5-14 through an

agreement of sale on 26.7.2016 with possession from another vendor and forwarded all the documents through proper channel by representation dated 6.9.2016. The respondents having been recovering the monthly instalments regularly from the salaries of the petitioners. Similar facts emerged from the transactions entered by the second petitioner also. Thereafter, the petitioners were placed under suspension *vide* proceedings dated 28.9.2016 on the ground that they submitted fake/forged documents for obtaining house building advance. Challenging the said order of suspension, the present writ petition is filed.

Learned counsel appearing for the petitioners submits that the practical difficulties in purchasing the house were brought to the notice of the authorities even before the order of suspension was passed and though many persons similarly situated were involved, the petitioners were singled out and action is proposed to be taken against them. He further submits that the Superintending Engineer is the competent authority to place the petitioners under suspension and the first respondent being the appellate authority cannot issue the order of suspension. He further submits that the order of suspension does not show that the same was passed pending enquiry.

A reading of the impugned order of suspension shows that there was an allegation of forgery against the petitioners and as such

they were placed under suspension. Since the order of suspension is passed in exercise of administrative power by the higher authority, this Court is not inclined to interfere with the same. This Court is also not satisfied with the submission of the learned counsel that though there are several other persons, who were involved in such cases, no action was taken against them and the petitioners alone ought not to have been placed under suspension.

Accordingly, the writ petition is dismissed at the admission stage. However, in view of nature of allegation, the respondents shall conduct an enquiry and complete the same within a period of three months from the date of receipt of a copy of this order. It is needless to observe that the petitioners shall co-operate with the enquiry proceedings.

Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

14th October, 2016
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Note: Issue CC by one week.

