

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 30226 of 2016

Order:

This Court disposed of three Writ Petitions filed by the petitioner and the management of the College by a common order, with the consent of the parties on 20.06.2016. WP No.39441 of 2014 arose out of the order passed by the appellate authority dated 19.12.2014, setting aside the order of suspension dated 25.11.2014 and the said Writ Petition was also disposed of along with two other writ petitions and the relevant portion of the common order reads as follows.

“In view of the above, the learned counsel for the petitioner (Management), learned Government Pleader appearing for the first respondent and the learned counsel for the second respondent consented for passing the following order:

The petitioner (Management) is given liberty to continue the enquiry against the second respondent pursuant to the show cause notice dated 08.03.2016 and complete the same within a period of six months from the date of receipt of a copy of this order and the second respondent undertakes to cooperate with the said enquiry. The petitioner (Management) also undertakes to submit the full salary bills of the second respondent to the first respondent till the conclusion of the enquiry and further orders passed pursuant to the enquiry. In view of the consensus arrived at by the parties, the appeal preferred by the second respondent before the first respondent has become infructuous and the second respondent does not pursue the same.”

Now, the third respondent passed an order on 15.07.2016 by understanding the common order and stating as follows.

“The Managing Committee is claiming your full salary bills and crediting to your account. It will continue to submit your full salary bills till the conclusion of enquiry and orders passed thereon. It was also stated that the appeal preferred by you against the order of suspension and subsequent orders issued by the CCE has become infructuous and you do not pursue the same. In other words the order of the Managing Committee dated 25.11.2014 placing you under

suspension pending enquiry has revived in view of the present orders of the Hon'ble High Court.

As regard to the above we inform you that you are under suspension pending enquiry and during the pendency of the same you cannot neither sign in the attendance register nor discharging any duties.

You are given a further time of 10 days from the date of receipt of this letter to submit any explanation to the show cause notice dated 08.03.2016 failing which it will be deemed that you have no explanation to offer and further action will be taken in accordance to the law."

Challenging the same, the present Writ Petition is filed.

2. The earlier common order was passed with the consent of the parties and the order was specific to the extent of holding the appeal before the appellate authority against the order dated 25.11.2014 becoming infructuous and the petitioner not pursuing the same. The result of the appeal becoming infructuous and the petitioner not pursuing the same would be the revival of the order dated 25.11.2014 and the same is mentioned in the impugned order.

3. In the circumstances, this Court sees no ground to interfere with the impugned order. The Writ Petition is, accordingly, dismissed. There shall be no order as to costs.

4. As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 12.09.2016
Nsr