

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.42135 OF 2016

ORDER:

This writ petition is filed against the order of suspension dated 11-11-2016 vide proceedings No.J1/227(15)/2016-V & SO/KRZ, wherein the petitioner was suspended pending enquiry on certain allegations.

Learned counsel for the petitioner submits that the respondents without any application of mind passed the impugned order. He also submits that the petitioner already submitted representations to the authorities about the vindictive attitude of the respondents against the petitioner. Without taking that into account, the impugned order has been passed. Learned counsel for the petitioner also says that basing on the false averments, the impugned order has been passed. He also submits that suspension pending enquiry cannot be passed in a routine manner, it should be resorted only in cases, where public interest is involved. He also relied on the judgment of **P.Rajender v. Union of India**¹. He also submits that the petitioner has already submitted explanation and the petitioner has no objection for conducting enquiry. But as far as suspension is concerned, the same is without application of mind and the same is without reference to the representations filed by the petitioner and as such, the same should be set aside.

¹ 2001 (5) ALD 290 DB

On the other hand, learned Standing Counsel while referring to charge sheet issued against the petitioner submits that serious allegations are made against the petitioner. One of the allegations is that he mis-behaved with the 4th respondent and he has also destroyed the General Diary register paper dated 06-11-2016. The truth or otherwise of said allegations cannot be decided in this writ petition. He also submits that the petitioner can agitate all these facts in the enquiry to be conducted. The respondents have power under Regulation 18 of the APSRTC Employees (Classification, Control and Appeal) Regulations to place an employee under suspension pending enquiry and that said power has been exercised by the respondent authorities and no exception can be taken.

Regulation 18 reads as under:

Suspension:

(1) The appointing authority or any authority to which it is subordinate or any other authority authorized by the Corporation in that behalf by a Resolution, may subject to such conditions and limitation, if any, as may be specified, place an employee under suspension from Service.

a) Pending investigation or enquiry into grave charges, where such suspension is necessary in the public interest:

b) Where any criminal offence is under investigation or trial:

Provided that where the order of suspension is made by an authority lower than the appointing authority, such authority, shall forth with report to the appointing authority the circumstance, in which the order of suspension was made.

In this case, admittedly serious allegations are made against the petitioner in the charge sheet regarding insubordination and also destroying general diary register paper dated 06-11-2016. Truth or otherwise of the allegations can be gone into enquiry and the impugned order pertains to suspension pending enquiry and not imposing punishment. The judgment cited by the learned counsel for the petitioner deals with suspension basing on the complaint lodged by a wife, where criminal proceedings are pending under Section 498-A IPC. In the present case, the facts are different. As such, the said judgment has no application to the present case. In view of the same, I do not see any reason to interfere with the impugned order.

Accordingly, the writ petition is dismissed. However, since the petitioner has already submitted explanation, it is for the respondent-authorities to consider the same and conclude the enquiry against the petitioner within a period of two months from the date of receipt of a copy of this order. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

05-12-2016
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