

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.15318 of 2016

ORDER:

This Writ Petition filed under Article 226 of the Constitution of India, challenges the order of suspension passed by the 3rd respondent-Depot Manager, Parkal, Warangal district vide proceedings No.02/95(31)/2016-PRKL dated 16.4.2016.

2. Heard Sri A.Jagan, learned counsel for the petitioner and Sri B.Mayur Reddy, learned Standing Counsel for Respondent-Corporation, apart from perusing the material available on record.

3. The petitioner herein is a Driver in the Respondent-Corporation. By virtue of the questioned order, the Depot Manager, Parkal Depot placed the petitioner under suspension pending enquiry into the charges. According to the learned counsel for the petitioner the order of suspension passed by the 3rd respondent is arbitrary, illegal and not warranted in the facts and circumstances of the case.

4. On the contrary, it is the contention of the learned Standing Counsel that the order of suspension is only an order pending enquiry and in the absence of any allegation of lack of jurisdiction, the order of suspension is not amenable to judicial review under Article 226 of the Constitution of India.

5. There is absolutely no dispute with regard to the fact that the petitioner herein is kept under suspension pending enquiry. Having regard to the nature of allegations and in the facts and circumstances of the case, this Court is not inclined to scuttle further enquiry into the matter by the respondents. However, this Court is of the considered opinion that ends of justice would be met if the 3rd respondent is directed to complete the enquiry and pass appropriate orders by fixing some time frame.

6. For the aforesaid reasons, the Writ Petition is disposed of, directing the 3rd respondent to complete the enquiry and pass final orders within a period of six weeks from the date of receipt of this order, subject to cooperation of the petitioner. It is further made clear that in the event of non-conclusion of enquiry within the time stipulated as stated above, the petitioner herein shall be reinstated into service. As a sequel, the miscellaneous petitions, if any, shall stand closed. No order as to costs.

A.V.SESHA SAI, J

Date: 28.4.2016
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