

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

WRIT PETITION No.10496 of 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

“to issue writ of Mandamus to declare the action of the 2nd respondent in issuing the proceedings Rc.No.475/B1/APMS/2015 dated 28.07.2015 suspending the petitioner from service, as illegal, improper, unjust, arbitrary and contrary to law and consequently direct the respondent Nos.2 and 3 to allow the petitioner on duty by revoking the order of suspension duly paying all service benefits, including monitory, seniority etc.”

Heard Sri Mahadeva Kanthrigala, learned counsel for the petitioner and learned Government Pleader for School Education for respondents.

In the present writ petition challenge is to the order passed by the Commissioner of School Education and Ex. Officio Project Director, R.M.S.A., Hyderabad – 2nd respondent herein vide proceedings Rc.No.475/B1/APMS/2015, dated 28-07-2015. By virtue of the impugned proceedings the 2nd respondent herein placed the petitioner under suspension. The grievance of the petitioner in the present writ petition precisely is that though he was suspended as long back as on 28-07-2015 no disciplinary proceedings have been initiated nor the respondents herein are paying the subsistence allowances as per Rules.

A perusal of the order impugned shows that there are serious allegations against the petitioner herein. But the fact remains that the said allegations are required to be enquired into

by the respondent authorities by initiating appropriate disciplinary proceedings. According to the petitioner, no such action has been taken by the respondent authorities so far.

Taking into consideration the seriousness of the allegations in the impugned order of suspension, this Court is not inclined to meddle with the order of suspension passed by the 2nd respondent herein. But, however, this Court deems it appropriate to direct the 2nd respondent to finalize the disciplinary enquiry.

For the aforesaid reasons, the writ petition is disposed of, directing the 2nd respondent to initiate disciplinary enquiry against the petitioner and pass appropriate orders after giving notice and opportunity of bearing heard to the petitioner herein within a period of (3) months from the date of receipt of a copy of this order. It is also made clear that the petitioner herein shall be paid the subsistence allowance as per Rules.

Miscellaneous Petitions pending, if any, shall stand closed.
There shall be no order as to costs.

A.V. SESA SAI, J

March 31, 2016

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