

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

WRIT PETITION No.5133 OF 2016

ORDER:

This Writ Petition, filed under Article 226 of the Constitution of India, challenges the notice bearing Rc.No.4645/HR/2013, dated 30.01.2016, issued by the Project Director-cum-Programme Coordinator, District Water Management Association, Y.S.R. Kadapa District, Andhra Pradesh.

2. Heard Sri Nagam Chandra Sekhar Reddy, learned counsel, appearing for the petitioner and learned Government Pleader for Panchayat Raj, appearing for the 1st respondent and learned Standing Counsel appearing for the 2nd respondent.

3. By virtue of the impugned notice dated 30.01.2016, while placing the petitioner under suspension, the 2nd respondent herein asked the petitioner to submit the explanation on the allegations set out in the notice, within a period of seven days. In response to the said notice, petitioner herein submitted an explanation on 30.01.2016 i.e., on the same day. In the present writ petition, it is the case of the petitioner herein that the impugned action, initiated against the petitioner, is highly unwarranted and impermissible in view of the facts and circumstances of the case.

4. It is the submission of learned counsel for the petitioner herein that the very initiation of enquiry against the petitioner is patent abuse of process of law. It is also the submission of the learned counsel that the police registered false case only for the purpose of harassing the petitioner herein.

5. On the contrary, it is submitted by the learned standing counsel

for 2nd respondent that since the enquiry has already been initiated by the 2nd respondent herein and as the petitioner herein has already submitted his explanation on 30.01.2016, it may not be permissible for the petitioner to approach this Court by invoking Article 226 of the Constitution of India.

6. There is absolutely no controversy with regard to the reality that in response to the impugned notice dated 30.01.2016, the petitioner herein submitted a detailed explanation on the even date. It is also brought to the notice of this Court that enquiry is scheduled to be held on 22.02.2016. Since the petitioner herein already submitted his explanation, this Court, having regard to the nature of controversy, deems it appropriate to direct the 2nd respondent herein to conclude the enquiry by fixing some timeframe.

7. For the aforesaid reasons, Writ Petition stands disposed of, directing the 2nd respondent herein to conclude the enquiry, within a period of one month from the date of receipt of a copy of this order and pass final orders. In the event of failure to conclude the enquiry within the time stipulated, the petitioner shall be reinstated into service.

8. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No costs.

A.V.SESHA SAI, J

18.02.2016
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