

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

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WRIT PETITION No.4877 OF 2016

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ORDER:

This Writ Petition, filed under Article 226 of the Constitution of India, challenges the action of the 2nd respondent – District Collector/Executive Director, in continuing the petitioner under suspension vide proceedings No.3091/2010/G1, dated 25.06.2014, without concluding the enquiry as illegal, arbitrary, unjust and violative of Articles 14, 16 and 21 of the Constitution of India.

2. Heard Sri D.Radha Krishna, learned counsel, appearing for the petitioner and Sri T.Sudhakar Reddy, learned counsel, appearing for the respondents.

3. According to the petitioner, he was initially appointed as Technical Work Inspector in the respondents' organization on 16.02.1985 and his services were regularized in the year 1992, subsequently, promoted as Assistant Engineer (H), during the year 2009. It is further pleaded that the petitioner herein was kept under suspension on 25.06.2014 on certain allegations and charges were framed on 25.06.2014 and the petitioner herein submitted detailed explanation on 10.08.2014. Thereafter, the Enquiry Officer/Revenue Divisional Officer, Eluru, issued a notice on 02.04.2015, asking the petitioner to attend for enquiry on 10.04.2015 and on 10.04.2015, the petitioner attended for the said enquiry and statement of the petitioner was recorded. It is further pleaded that the petitioner herein submitted a representation dated 07.02.2015, requesting the 2nd respondent to reinstate him into service.

4. It is evident from the pleadings on record that the sole grievance of the petitioner is the non conclusion of the enquiry and continuance of the petitioner herein under suspension. There is absolutely no dispute with regard to the reality that the respondent authority suspended the petitioner herein as long back as on 25.06.2014

in contemplation of the enquiry. This Court does not find any justification on the part of the respondent herein in not concluding the enquiry proceedings.

5. In view of the above, this Court is of the considered opinion that the ends of justice would be met, if a direction is issued to the respondent herein to conclude the enquiry by fixing some timeframe.

6. For the aforesaid reasons, writ petition is disposed of, directing the respondent Nos.2 and 3 to complete the disciplinary proceedings initiated against the petitioner herein and pass appropriate orders, within a period of two months from the date of receipt of a copy of this order and it is also made clear that in the event of failure to conclude the enquiry, within the time stipulated, the petitioner herein shall be reinstated into service.

4. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

16.02.2016

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