

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.27405 of 2016

ORDER:

Petitioner was appointed as Junior Cotton Purchase Officer in the year 1997 by way of direct recruitment. He was promoted as Cotton Purchaser in the year 2009 and further promoted as Cotton Purchase Officer in the year 2013. While so, the CBI authorities conducted a surprise check at the residence of the petitioner on 12.02.2015 when the petitioner was away on camp from Warangal and found assets of value of Rs.1,95,76,900/-. On the basis of such report, a show cause notice was issued to the petitioner on 18.05.2015 and the petitioner submitted his explanation. A charge memo was issued to the petitioner on 17.05.2016 and he submitted explanation on 19.05.2016. In the meanwhile, the petitioner was placed under suspension on 12.06.2015 on the ground that in the search conducted by CBI, it found assets disproportionate to his known sources of income and thereby, disciplinary proceedings are proposed to be initiated against him. The petitioner submitted a representation for revocation of the said suspension order on 19.05.2016 and when

the same was rejected on 01.06.2016, he filed the present writ petition.

Learned counsel for the petitioner submits that in view of the ratio laid down by the Supreme Court in **Ajay Kumar Choudhary v. Union of India**¹, the period of suspension cannot go beyond three months.

This Court is not inclined to accept the said submission as the observations of the Supreme Court in the above cited decision are as follows:

“21. We, therefore, direct that the currency of a suspension order should not extend beyond three months if within this period the memorandum of charges/charge-sheet is not served on the delinquent officer/employee; if the memorandum of charges/charge-sheet is served, a reasoned order must be passed for the extension of the suspension. As in the case in hand, the Government is free to transfer the person concerned to any department in any of its offices within or outside the State so as to sever any local or personal contract that he may have and which he may misuse for obstructing the investigation against him. The Government may also prohibit him from contacting any person, or handling records and documents till the stage of his having to prepare his defence. We think this will adequately safeguard the universally recognized principle of human dignity and the right to a speedy trial and shall also preserve the interest of the Government in the prosecution. we recognizes that the previous Constitution Benches have been reluctant to quash proceedings on the grounds of delay, and to set time-limits to their duration. However, the imposition of a limit on the period of suspension has not been discussed in

¹ (2015) 7 Supreme Court Cases 291

prior case law, and would not be contrary to the interests of justice. Furthermore, the direction of the Central Vigilance Commission that pending a criminal investigation, departmental proceedings are to be held in abeyance stands superseded in view of the stand adopted by us.”

The Supreme Court gave discretion to the competent authority to decide the issue with regard to continuation of period of suspension depending on the facts of the case and suggested other administrative steps also. Since the instant case relates to assets disproportionate to the known sources of income, this Court is inclined to dispose of the writ petition with the direction to the second respondent to complete the disciplinary enquiry initiated against the petitioner pursuant to the charge memo issued on 17.05.2016 within a period of four months from the date of receipt of a copy of this order. It is needless to observe that the petitioner shall cooperate with the disciplinary enquiry.

The Writ Petition is accordingly disposed of.

Consequently, Miscellaneous Petitions, if any pending in this Writ Petition shall stand closed. No order as to costs.

A.RAMALINGESWARA RAO, J

6th SEPTEMBER, 2016.

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