

**THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO
AND**

THE HON'BLE DR.JUSTICE B.SIVA SANKARA RAO

WRIT APPEAL NO.59 OF 2016

JUDGMENT: *(Per Hon'ble Sri Justice Nooty Ramamohana Rao)*

This writ appeal is directed against the interlocutory order passed by the learned Single Judge, who dismissed the WPMP.No.53512 of 2015 moved in W.P.No.41442 of 2015. The petitioner is the appellant herein.

Writ Petition No.41442 of 2015 is instituted calling in question the correctness and sustainability of the order passed on 11.12.2015 by the Divisional Engineer (Electrical), Operation and Construction, Division, Banswada, Northern Power Distribution Company of Telangana Limited.

The Divisional Engineer has noticed that the proceedings for taking disciplinary action against the petitioner have been initiated and has exercised the power available to him under Regulation 11 of the APSEB Discipline and Appeal Regulations and placed the petitioner under suspension pending enquiry. The operation of the said proceedings dated 11.12.2015 is prayed to be suspended in the WPMP No.53512 of 2015. The assessment of the learned Single Judge is that the balance of convenience does not lie in suspending the operation of the order dated 11.12.2015 in as much as the writ petition is in fact directed against the same proceedings. In other words, if the operation of the proceedings dated 11.12.2015 are to be suspended, perhaps, nothing remains for serious adjudication in the main writ petition.

Sri Ch.Jagannatha Rao, learned counsel for the appellant, would urge that so far no charges have been framed against the appellant. In fact, therefore, the power under Regulation 11 of the

APSEB Discipline and Appeal Regulations has been utilised by the respondents only for the purpose of placing the petitioner/appellant under suspension. Therefore, the 1st respondent is not in a position to assert that the petitioner is *prima facie* guilty of even major misconduct for him to place the petitioner/appellant under suspension. Hence, according to the learned counsel the impugned order is unsustainable.

Whether grave charges are liable to be framed against the petitioner/appellant or charges, which are likely to end up in imposition of minor punishment alone, are liable to be carried forward is a matter of consideration by the competent authority. In those set of circumstances, the more appropriate course would be to place any such employee under suspension and then carry forward the enquiry, so that whatever material that is liable to be gathered against him can be gathered easily and smoothly. There will not be any artificial roadblocks created in that process.

But however, an employer cannot place one of its employees under suspension and forget about his existence thereafter. Any such measure would not only demoralise the employee concerned but would also lead to arbitrary exercise of power available. To avoid any such criticism, the employer should have framed the charges against the petitioner and should have carried forward the enquiry. We, therefore, dispose of the writ appeal by directing the respondents to frame the charges and communicate a detailed charge sheet to the petitioner/appellant at the earliest and also conclude the enquiry as expeditiously as possible, preferably within a period of four (4) months provided that the petitioner/appellant extends the necessary cooperation and participates therein.

Accordingly, the writ appeal stands disposed of. No costs.

Consequently, the miscellaneous petitions pending, if any,

shall also stand closed.

JUSTICE NOOTY RAMAMOHANA RAO

JUSTICE DR.B.SIVA SANKARA RAO

15.02.2016
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