

HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.4218 of 2016

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DATED : 10.02.2016

Between:

K.V.Suryanarayana S/o.Venkata Ratnam,
Aged 52 yrs, Occu : Supervisor,
R/o.Sari Pally, Ganapavaram Mandal,
West Godavari District.

.. Petitioner

AND

The State of Andhra Pradesh,
Co-operation Department, Secretariat buildings,
Hyderabad, rep., by its Pr. Secretary & 2 others.

.. Respondents

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The Court made the following:

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER:
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The petitioner earlier worked as supervisor in Eluru District Co-operative Central Bank. The petitioner challenges the order of suspension from service dated 19.01.2016 in this writ petition.

2. Learned counsel for the petitioner took me to the report of the District Co-operative Officer dated 28.01.2015 and narrated the incidents and pointed out that the petitioner is no way responsible. He was made as part of the Person Incharge Committee only in the year 2014 and during his period no irregularities have taken place. Therefore, initiation of disciplinary action and placing him under suspension is unwarranted. Learned counsel for the petitioner also contends that statutory enquiry is completed. The entire records concerning the Primary Agricultural Co-operative Society were seized by the Penumantra Large Sized Co-operative Society and hence there is no possibility of petitioner indulging in tampering of evidence or material. Petitioner along with other officers have been playing active role in recovery of the amounts due to the Society and substantive amount is recovered. If some more time is granted, the rest of the amount would be recovered and therefore in the interest of the Society, the petitioner should be continued in service. On the contrary by suspending the petitioner, no purpose would be served.

3. The report filed Under Section 51 of the Andhra Pradesh Cooperative Societies Act, 1964, points out the illegalities committed by the petitioner. The District Co-operative Officer has recommended

to take disciplinary action against the petitioner and other employees. Thus, it cannot be said that there was no material available on record with the competent authority to place the petitioner under suspension. It is not in dispute that the officer who placed the petitioner under suspension is competent to place the petitioner under suspension. A reading of the order itself would show that based on the material on record, the competent authority has come to a prima-facie conclusion that petitioner has indulged in illegal activities. Thus, it cannot be said that there was no application of mind on the part of the officer.

4. It is not necessary that suspension can be made only if there is possibility of tampering of evidence or record. The employer can resort to suspension, if the acts committed by the employee are grave and in public interest, it is not desirable to continue such employee/officer in service pending enquiry, when serious allegations are leveled. It is ultimately the discretion of the disciplinary authority to take decision with reference to placing the employee/officer under suspension. Thus, when the competency is not in doubt and when there is sufficient material on record to come to a prima-facie conclusion about the delinquency of the employee, the interference of this Court is not called for.

5. Learned counsel for the petitioner sought to contend that suspension is unwarranted in the facts of this case and that it would be the counter productive to the society and continuation of petitioner under suspension cannot result in proper recovery of the amounts due to the Society. In exercise of power of judicial review, this Court cannot go into such issues at this stage. It is for the petitioner to represent to the competent authority about the steps taken by him and the desirability of revoking suspension of the petitioner and to give further opportunity to undertake recovery of the amounts due to the Society.

6. With the above observations, the writ petition is disposed of. However, this order do not come in the way of the petitioner bringing to the notice of competent authority about the steps taken by

him regarding recovery of the amounts due and if such a representation is made it is always open to the competent authority to consider such representation and take appropriate decision as warranted by law as expeditiously as possible preferably within a period of four (4) weeks from the date of receipt of such representation. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date :10th February, 2016

Rds