

**HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND**

HON'BLE SRI JUSTICE M.S.K.JAISWAL

WRIT PETITION No. 13075 OF 2014

Date: 10.03.2016

Between:

Union of India,
Rep. by Secretary,
Ministry of Communication and Information Technology,
Department of Posts, Dak Bhavan,
Sansad Marg, New Delhi, and three others.

..... Petitioners

And:

P. Balasubrahmanyam,
Occ: Assistant Superintendent – Posts (Hq),
O/o. Superintendent – Posts,
Parvathipuram Division,
Parvathipuram, and another.

.....Respondents

Counsel for the Petitioner: Sri Heeralal for
Sri B. Narayana Reddy
(Assistant Solicitor General)

Counsel for Respondent No.1: Sri D. Rama Krishna

The Court made the following:

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ORDER *(Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)*

Feeling aggrieved by order dated 05.06.2013 in O.A.No.1086 of 2012 on the file of the Central Administrative Tribunal, Hyderabad Bench, Hyderabad (for short 'the Tribunal'), the Union of India and others filed this writ petition.

Respondent No.1 filed the above mentioned O.A questioning his suspension as Assistant Superintendent - Posts (Hq) and for a direction to the petitioners to treat the period of suspension as on duty for all purposes including drawal of pay and allowances. The Tribunal disposed of the said O.A by the impugned order, wherein it has observed that as the order of suspension was revoked, no purpose will be served by giving a finding as to how the period of suspension will be taken at the time of final disposal of the disciplinary proceedings. While taking note of the fact that a charge sheet was issued, the Tribunal has directed the petitioners to appoint an Inquiry Officer and the Presenting Officer and to complete the disciplinary proceedings within a maximum period of six months from the date of receipt of a copy of the order and if the inquiry was not completed within six months, the proceedings against respondent No.1 shall be dropped and the suspension period shall be regularised and that in case the inquiry proceedings are completed within six months, regularisation of suspension period will be subject to the inquiry proceedings and the final orders to be passed therein.

Learned counsel for the petitioners submitted, and in our view rightly, that the Tribunal ought not to have envisaged the extreme situation of the inquiry proceedings themselves getting dropped and suspension period regularised automatically in the event of non-completion of the inquiry proceedings within six months. Such an extreme direction is not in public interest, more so, when the suspension of the employee was already revoked and he was allowed to discharge functions.

Learned counsel for respondent No.1 submitted that even after a

lapse of nearly two years after filing of the writ petition, the petitioners have not completed the inquiry.

The petitioners are therefore directed to complete the inquiry and pass final order within two months from the date of receipt of a copy of this order.

The writ petition is accordingly allowed and the impugned order is set aside subject to the above directions.

As a sequel, W.P.M.P.No.16376 of 2014 is disposed of and W.V.M.P.No.2187 of 2014 is dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

M.S.K.JAISWAL, J

Date: 10.03.2016

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