

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.25381 of 2016

ORDER

This writ petition is filed seeking to declare the action of the respondents in not considering the representation submitted by the petitioner on 1.7.2016, as arbitrary and illegal.

The petitioner is working as Additional Divisional Engineer in the office of the 2nd respondent and has put in 36 years of service. It appears that his daughter-in-law committed suicide in Australia and on a complaint made by her father, a case in Cr.No.465 of 2016 was registered against him and his wife on 14.6.2016. The petitioner filed Crl.P.No.9037 of 2016 for quashing the said complaint. This Court by order dated 24.6.2016 directed the police not to arrest the petitioner and his wife, but, however, gave liberty to proceed with the investigation. In spite of the same, he was arrested on 24.6.2016 A.N and was remanded to the custody. Later, he was released on bail on 1.7.2016. Thereafter, the petitioner was placed under suspension by

invoking Rule 11 (b) of Service Regulations since he was detained in police custody for more than 48 hours. Hence, he submitted a representation on 1.7.2016 seeking his reinstatement as registration of a private complaint has nothing to do with his duties in the second respondent office. When the said representation was not considered, the present writ petition is filed.

Counter-affidavit is filed on behalf of the respondents stating that the Chief Vigilance Officer conducted enquiry into the news item published in the news paper and submitted his report on 27.6.2016 stating that the petitioner and his wife were arrested on 24.6.2016 and remanded to judicial custody. Since the petitioner was lodged in prison for more than 48 hours, he was placed under suspension. It was admitted that the petitioner submitted a representation dated 1.7.2016 to the Chairman and Managing Director stating that he was granted bail on 30.6.2016 and released on 1.7.2016. It was further stated that the complainant, who is father of the daughter-in-law of the petitioner, submitted a separate complaint to the Principal Secretary to Government, Energy Department, and Chairman and

Managing Director of the company against the petitioner requesting for departmental enquiry, confiscation and dismissal from service. The said complaint was referred to the Vigilance Wing for conducting enquiry and accordingly, they sent report, which is under examination. It was finally stated that since the vigilance enquiry report is under critical examination, the request of the petitioner for reinstatement into duty will be examined depending upon the merits of the case.

In view of the said averments made by the respondents in their counter-affidavit, this Writ Petition is disposed of directing the respondents to consider the representation dated 1.7.2016 of the petitioner and pass appropriate orders thereon within a period of two weeks from the date of receipt of a copy of this order. No costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

6th September, 2016
rkk

