

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

WRIT APPEAL No. 1386 of 2016

JUDGMENT: (*Per VRS,J*)

This appeal arises out of the refusal of the learned single Judge to grant an interim suspension of an order of dismissal from service.

2. Heard Mr. K. Satyanarayana Murthy, learned counsel for the appellant. Smt. Jagarlamudi Koteswari Devi, learned standing counsel for A.P.Southern Power Distribution Company Limited, takes notice for the 2nd respondent.

3. It is a well settled principle of law that however good a case may be, there cannot an interim suspension of an order of dismissal from service. This is for the reason that if an interim suspension is granted and ultimately the writ petition is dismissed for some reason, the salary paid cannot be recovered, since the appellant would have worked and earned the salary. On the contrary, if no interim suspension is granted and the writ petitioner succeeds, he will be entitled to full pay and allowances. Therefore, the learned Judge was right in rejecting the prayer for interim suspension. Hence, the Writ Appeal is dismissed. Since the 2nd respondent has already filed a

counter to the main writ petition, the main writ petition may be listed before the appropriate Bench, at an early date, for disposal.

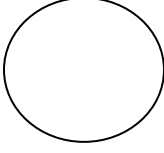
Consequently, miscellaneous petitions if any pending in the writ appeal shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

G. SHYAM PRASAD, J

14th December, 2016
cbs





THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN ✓
AND
THE HON'BLE SRI JUSTICE G. SHYAM PRASAD



Writ Appeal No.1386 of 2016
(Per VRS,J)

14th December, 2016

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