

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.12122 of 2016

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India for the following relief:

“to issue writ of Mandamus to declare the action of the 3rd respondent in placing the petitioner under suspension by Proceedings No.D5/356/2015 dated 19-12-2015 as illegal, arbitrary and violative of Principles of Natural Justice- and also violative of Article 14 of the Constitution of India and consequently set-aside the Proceedings No.D5/356/2015 dated 19-12-2015 issued by the 3rd respondent in placing the petitioner under suspension.”

Heard Sri L.V.S. Nagarju, learned counsel, appearing for the petitioner, learned Government Pleader for Panchayat Raj for respondent No.1 and Sri M.S.R. Chandra Murthy, learned Standing Counsel, appearing for the respondents 2 and 3.

The petitioner herein is a Filed Assistant working under the National Rural Employment Guarantee Scheme in Parsapur Gram Pranchayat, Kodangal Mandal, Mahaboobnagar District. By virtue of the impugned order the Project Director – 3rd respondent herein placed the petitioner under suspension.

According to the learned counsel for the petitioner, the order of suspension in the facts and circumstances of the case is unwarranted and is highly arbitrary, illegal and unreasonable. It is further submitted by learned counsel for the petitioner that though the 3rd respondent placed the petitioner under suspension as long

back as on 19-12-2015 no enquiry has been initiated by the respondents herein.

On the contrary, it is submitted by learned counsel for the 3rd respondent that since the order impugned is only suspension pending enquiry, the same is not amenable for judicial review of this Court under Article 226 of the Constitution of India and it is open for the petitioner herein to participate in the enquiry. It is further submitted by learned Standing Counsel for respondents that enquiry may be directed to be completed by the respondents herein by fixing some timeframe.

Having regard to the nature of controversy, this Court is of the considered opinion that the ends of justice would be served if the 3rd respondent is directed to complete the enquiry pursuant to the impugned order, dated 19-12-2015 by fixing some timeframe.

For the aforesaid reasons, Writ Petition is disposed of, directing the 3rd respondent to complete the enquiry against the petitioner pursuant to the impugned order, dated 19-12-2015, within a period of one month from the date of receipt of a copy of this order, after giving notice and opportunity of being heard to the petitioner herein.

Miscellaneous Petitions pending, if any, shall stand closed.
There shall be no order as to costs.

A.V. SETHA SAI, J

April 19, 2016

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