

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

WRIT PETITION No.14997 OF 2016

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ORDER:

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

“to issue an order, direction or writ, more particularly one in the nature of writ of Mandamus, declaring the action of the 2nd respondent in issuing proceedings No.DVC/1858/C1/West Godavari/SA.8/SCN/Eluru/2015, dated 01.12.2015 as illegal, arbitrary, violative of Principles of Natural Justice and consequently direct the 2nd respondent to continue the petitioner as Field Assistant under NREGS to Malkapuram Gram Panchayat, Eluru Mandal, West Godavari District with all consequential and incidental benefits, and pass such other order or orders as the Hon'ble Court would deem fit and proper in the circumstances of the case.”

2. The petitioner is a Field Assistant. On certain allegations, disciplinary action was initiated against him and pending disciplinary action, his services were also placed under suspension on 01.12.2015. Allegations were communicated to the petitioner. The petitioner filed explanation on 18.12.2015. Alleging that on illegal grounds the petitioner has been placed under suspension, this writ petition is filed.

3. As seen from the order impugned in the writ petition, disciplinary action is initiated against the petitioner on several allegations and pending enquiry into the said allegations, the petitioner is placed under suspension. The order of suspension is passed by the competent authority. Once disciplinary action is initiated and enquiry is pending, it is permissible for the competent authority to place the concerned employee under suspension and

I, therefore, do not see any illegality in the order passed. Therefore,

the writ petition is liable to be dismissed.

4. However, learned counsel for the petitioner submitted that 30 days time is prescribed in the Human Resources Policy for completion of the disciplinary proceedings and since 30 days is already expired, the petitioner ought to have been reinstated. There is no merit in the said contention. The Human Resources Policy do not provide for reinstatement if enquiry is not completed.

5. Accordingly, the Writ Petition is dismissed. However, since the explanation is already filed by the petitioner, the 2nd respondent is directed to finalize the disciplinary action, as expeditiously as possible, preferably within a period of one month from the date of receipt of copy of this order. If disciplinary proceedings are not concluded within a period of one month from the date of receipt of copy of this order, the petitioner shall stand reinstated.

6. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

28.04.2016
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