

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

WRIT PETITION No.12886 of 2016

ORDER:

This writ petition, filed under Article 226 of the Constitution of India, challenges the memo bearing Roc.No.DA1/3218/2016, dated 19-02-2016 passed by the office of the Executive Officer, T.T. Devasthanam, Tirupati – 2nd respondent herein.

Heard Sri T. Balaji, learned counsel for the petitioner, learned Government Pleader for Endowments for respondent No.1 and Sri A.K. Jayaprakash Rao, learned Standing Counsel for respondent No.2.

Consequent upon a case registered in Crime No.02/RCA-TCT/2016, dated 08-02-2016 of Tirupati ACB Range, Chittoor District, under the provisions of Prevention of Corruption Act, the 2nd respondent herein issued a memo bearing Roc.No.DA1/3218/2016, dated 19-02-2016, placing the petitioner under suspension in exercise of powers conferred under Rule-8(1) (a), (b), (c) & 2 (a) of A.P. Civil Services (CCA) Rules, 1991, read with Rule 4 of TTD Service Rules, till his restoration or till the conclusion of the disciplinary proceedings relating to the charges whichever is earlier.

In the present writ petition, it is the contention of Sri K.G. Krishna Murthy, learned senior counsel appearing for learned counsel for the petitioner on record that in the facts and circumstances of the case and having regard to the nature of controversy impugned order of suspension is un-warranted. It is

the further submission of learned senior counsel that the son of the petitioner is an Engineering Graduate and working since 2004 in Australia and is earning Rs.1 crore per year as salary and he sent his earning to a tune of Rs.26.52 Lakhs upto the year 2010 to invest in India on different dates to the account of the petitioner to purchase immovable properties, therefore, the said aspect ought to have been considered by the respondents before placing the petitioner under suspension.

On the other hand, it is the submission of Sri A.K. Jayaprakash Rao, learned Standing Counsel for respondents that since the criminal proceedings are pending against the petitioner herein, the respondents are perfectly justified in placing the petitioner under suspension.

Eventually, it is the submission of learned senior counsel for the petitioner that the petitioner herein submitted a representation on 10-03-2016 to the 2nd respondent, furnishing various particulars while requesting for reinstatement into service and no action has been taken on the said representation. It is further requested by the learned senior counsel for the petitioner to direct the 2nd respondent to consider and pass appropriate orders on the representation, dated 10-03-2016, in accordance with law, by fixing some timeframe.

Having regard to the nature of controversy and in the facts and circumstances of the case, this Court is of the considered opinion that the ends of justice would be served if the 2nd respondent is directed to take appropriate action on the said

representation, dated 10-03-2016 said to have been submitted by the petitioner herein, in accordance with law, by fixing some timeframe.

For the aforesaid reasons, the writ petition is disposed of, without expressing any opinion on the merits and demerits of the matter and entitlement of the petitioner for the relief, directing the 2nd respondent to consider and pass appropriate orders on the representation, dated 10-03-2016 said to have been submitted by the petitioner herein, in accordance with law, within a period of one month from the date of receipt of a copy of this order.

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

April 26, 2016
Note: Furnish C.C. in
one week. B/o.Pn

A.V. SETHA SAI, J

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