

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

WRIT PETITION No. 36654 of 2016

ORDER: (*Per VRS,J*)

The petitioner has come up with the above writ petition, aggrieved by the order of the Andhra Pradesh Administrative Tribunal not directly interfering with an order of suspension, but merely directing the respondents to review the order of suspension.

2. Heard Mr. P.V.Krishnaiah, learned counsel for the petitioner, and the learned Government Pleader for Services (AP) appearing for the respondents.

3. The petitioner was placed under suspension by an order, dated 25.08.2015. She filed an application in O.A.No.5749 of 2015, challenging an order of suspension. The Tribunal passed an order, dated 27.10.2015, directing the respondents to review the order of suspension.

4. Aggrieved by the refusal of the Tribunal to grant a relief as prayed for, the petitioner came up with the above writ petition.

5. When the writ petition came up for hearing on 01.11.2016, we directed the Government Pleader for services to get instructions as to whether the order of suspension was at least reviewed, pursuant to the order of the Tribunal. On the next date of hearing, the Government Pleader produced a copy of order, dated 03.11.2016, directing reinstatement of the petitioner.

6. But unfortunately, the order, dated 03.11.2016, has not been very happily worded. The power to place a member of the Service under suspension is traceable to Rule 8 of the A. P. Civil Services (CC&A) Rules. Rule 8 (5) (c) empowers the authority, which passed an order of suspension, to modify or revoke such an order at any point of time.

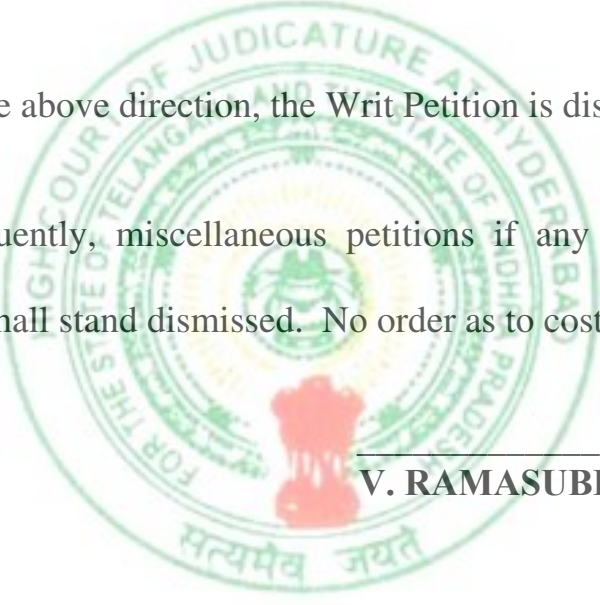
7. In the operative portion of the order, dated 03.11.2016, the Commissioner has simply stated that the petitioner is reinstated into service, pending finalization of disciplinary proceedings. The appropriate terminology to be used is to revoke the order of suspension, dated 25.08.2015.

8. Be that as it may, the petitioner has now joined duty, pursuant to the said order. Therefore, the only grievance that could survive now is about the treatment of the period of suspension.

9. It is not known whether a charge memo has so far been issued or not. If no disciplinary proceedings have been initiated, then the suspension becomes unjustified under the Fundamental Rules. If disciplinary proceedings have been initiated, the treatment of the period of suspension would depend upon the final outcome. This is the law on the point. Therefore, the respondents are directed to pass appropriate orders within four weeks, as per the Fundamental Rules, depending upon whether disciplinary proceedings have been initiated or not.

10. With the above direction, the Writ Petition is disposed of.

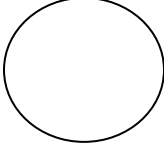
Consequently, miscellaneous petitions if any pending in the writ petition shall stand dismissed. No order as to costs.



V. RAMASUBRAMANIAN, J

G. SHYAM PRASAD, J

1st December, 2016
cbs



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