

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.13536 OF 2017

Dated:18.04.2017

Between:

Smt. T. Venkatamma, W/o. Venkata
Subbaiah, aged about 47 years,
Occ: Sweeper-cum-Scavenger
(Under Suspension), NBKR Institute of
Science & Techonology, Vidyanagar,
Kota Mandal, SPSR Nellore District

.. Petitioner

And

NBKR Institute of Science & Technology,
Rep., by its Correspondent, Vidyanagar,
Kota Mandal, SPSR Nellore District
and others

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.13536 OF 2017

ORDER:

Petitioner is working as Sweeper-cum-Scavenger in the 1st respondent – Institution. By order dated 22.03.2017, the petitioner was placed under suspension pending enquiry. Challenging the said order of suspension, this Writ Petition is filed.

2. Though the order of suspension is silent as to the reasons for placing the petitioner under suspension, a reading of the Memo, dated 18.03.2017, would disclose that the petitioner involved in a quarrel and manhandled another employee when some programme was in progress causing indecency to the environment. This action of the petitioner, apparently, viewed as grave.

3. Section 79 (3) of the Andhra Pradesh Education Act (for short, 'the Act') only prohibits prolonged suspension and requires employer to place an employee under suspension, if disciplinary action is contemplated into grave misconduct. From the perusal of the facts of this case, *prima facie* it cannot be said that misconduct alleged is not grave, if it is proved. Therefore, there is no illegality in placing the petitioner under suspension.

4. Learned counsel for the petitioner placed reliance on the decision of this Court in ***M. Chandrasekhara Rao v. Secretary & Correspondent, Sri Sarvodaya College, Nellore***¹.

¹ 1988 (1) ALT 651

5. On a perusal of the said judgment, it is seen that the Court has validated not to induct the employee therein into service since the allegations were of misappropriation of funds and fabrication of the records and therefore held full salary beyond the period of suspension is permissible under Section 79 of the Act. The said decision does not come to the rescue of the petitioner. The Writ Petition is liable to be dismissed.

6. The Writ Petition is accordingly dismissed. However, it is needless to observe that the employer shall strictly comply with the provisions of Section 79 of the Act and take further course of action, as warranted by law. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

Date:18.04.2017

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P. NAVEEN RAO, J

