

**THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO**

**WRIT PETITION No.23665 of 2017**

**ORDER:**

Petitioner has filed this Writ Petition assailing the order dt.10-04-2017 placing him under suspension pending enquiry.

2. In the said order, the following lapses committed by petitioner are mentioned:

*“1) Shortage of stock due to misappropriation is Rs.38,86,151/-.*

*2) The Depot personnel failed to make physical stock verification on monthly basis during the audit period commencing from December, 2015 to December, 2016.*

*3) The Depot administration deliberately delayed one year to take stock into account returned by Govt. retail outlets.*

*4) The dereliction of duties of Depot personnel resulted into huge financial loss to the Govt. and violation of statutory compliance.*

*5) There are no records of monthly stock physical verification, physical stock verification was not done from December, 2015 to December, 2016. The misappropriation would have been noticed by the Depot personnel, if they had carried physical verification on monthly basis from December, 2015 to December, 2016.”*

*6) During the period of December, 2015 to December, 2016, it is evident that the depot has not followed any internal control procedures.”*

3. It is not in dispute that petitioner had taken over charge of the IMFL Depot, Kadapa on 18-09-2015 as Incharge Chief Manager on deputation from IMFL Depot, Anantapuramu.

4. Though petitioner is seeking to contend that in December, 2015, he sought verification of the stocks through a team and that the said team was constituted on 17-12-2015, the contents of the charge memo dt.06-02-2017 issued to the petitioner suggests that petitioner went on leave from 22-02-2016 to 20-01-2017 and during that period, another person was posted as Incharge Manager of the IMFL Depot, Kadapa and he did a physical verification of stock, on the basis of which, the impugned suspension order and show cause notice dt.06-02-2017 were issued to the petitioner.

5. Since admittedly the petitioner was in-charge of the IMFL Depot, Kadapa from September, 2015 *prima facie* the petitioner is answerable for the stock position for the period between December, 2015 and December, 2016. It is not the case of the petitioner that the authority, who passed the order of suspension, is not competent to pass such order or that any allegation of *mala fide* is leveled against the said authority, who passed the order dt.10-07-2017. In the facts and circumstances of the case, it therefore cannot be said that suspension of petitioner is not warranted.

6. Therefore, I do not see any merit in the Writ Petition and it is accordingly dismissed at the stage of admission. No costs.

7. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

**JUSTICE M.S.RAMACHANDRA RAO**

Date: 25-07-2017

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