

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SMT JUSTICE T.RAJANI

Writ Appeal No.832 of 2017

JUDGMENT: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

This appeal, under Clause 15 of the Letters Patent, is preferred against the order passed by the Learned Single Judge in W.P.No.17422 of 2017 dated 02.06.2017. The appellant is the petitioner in the writ petition. He filed the writ petition questioning the order dated 12.05.2017, passed by the 1st respondent, placing him under suspension pending enquiry after issuance of a charge memo dated 05.05.2017.

While the appellant-writ petitioner filed his explanation to the charge memo on 07.05.2017 denying the charge, he was placed under suspension thereafter on 12.05.2017. The submission of Sri P.V.Ramana, learned counsel for the appellant-writ petitioner, before the Learned Single Judge was that the suspension order was issued in terms of the note order of the District Collector dated 11.05.2017. The Learned Single Judge disagreed with the said contention and observed that it was possible that the District Collector, on receiving complaints against the appellant-writ petitioner, had directed the 1st respondent to take some action; in fact, by that date, charge memo had already been issued to the appellant-writ petitioner; and, therefore, it could not be said that the entire proceedings were initiated at the instance of the District Collector, Mancherial. Since the appellant-writ petitioner had already submitted an explanation to the charge memo, the Learned Single Judge directed the enquiry to be completed within four months.

Before us Sri P.V.Ramana, learned counsel for the appellant-writ petitioner, would submit that, while a charge memo was issued on 05.05.2017, the appellant-writ petitioner had submitted his explanation forthwith on 07.05.2017; it was only thereafter did the District Collector, Mancherial pass the note order on 11.05.2017; and the very fact that the order of suspension was passed by the 1st respondent on 12.05.2017, makes it

clear that the appellant-writ petitioner was placed under suspension only because of the note order of the District Collector.

The fact that the 1st respondent is the competent authority to place the employees, in the cadre to which the appellant-writ petitioner belongs, under suspension is not in dispute. The only question which arises for consideration is whether the 1st respondent had surrendered his discretion, and has abdicated his power to place the appellant-writ petitioner under suspension, to the District Collector.

The learned Government Pleader for Services, on instructions, would submit that, while a note order was, no doubt, received from the District Collector, the 1st respondent had, after taking into account the note submitted by the Medical Officer on 05.05.2017, placed the appellant-writ petitioner under suspension.

As the 1st respondent has the power to place employees, in the cadre to which the appellant belongs to, under suspension, and as it is now asserted, across the Bar, that the 1st respondent had exercised his power independently, and has not abdicated his discretion to his superior i.e District Collector, we see no reason to interfere with the order of the Learned Single Judge more so as the scope of interference in an intra-court appeal, under Clause 15 of the Letters Patent, is extremely limited.

The Writ Appeal fails and is, accordingly, dismissed. Miscellaneous Petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(T.RAJANI, J)

05th July, 2017
JSU

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SMT JUSTICE T.RAJANI



Writ Appeal No.832 of 2017

Date: 05.07.2017

JSU