

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.25851 of 2017

ORDER:

The case of the petitioner is that the petitioner filed appeal before the 2nd respondent against the order in proceedings No.A1/149/2017, dated 01-07-2017, wherein the petitioner was suspended pending conclusion of disciplinary proceedings.

Learned counsel for the petitioner submits that only ground on which the petitioner was placed under suspension is that he has supplied seeds to the farmers without any prior permission of higher authorities, which caused inconvenience to the administration and the same is in violation of office procedure and that is not serious misconduct entailing invocation of suspension of the petitioner. It is not a serious misconduct, wherein power of suspension is invoked and that only show-cause notice issued to the petitioner on 05-06-2017 to show-cause why disciplinary proceedings should not be initiated. The petitioner submitted explanation that due to exigency, he has supplied the seeds to the farmers as it is rainy season. Without considering the same, the impugned order is passed. Though the appeal is filed before the 2nd respondent, the same is not being disposed of. It is also stated that the 3rd respondent is not competent to pass

impugned order and the 2nd respondent has to consider the appeal filed by the petitioner. Hence prayed a direction may be given to the 2nd respondent to dispose of the same.

Heard learned Assistant Government Pleader for Services.

Only ground on which the petitioner was placed under suspension is that he has supplied seeds to the farmers without prior permission. There is no allegation of misappropriation or any irregularity committed by the petitioner and the petitioner has already submitted explanation to the charge memo stating due to rainy season and exigency, seeds were supplied. Since the appeal is pending before the 2nd respondent, it is open for the petitioner to raise all the grounds before the 2nd respondent and the 2nd respondent is directed to dispose of the appeal filed by the petitioner in accordance with law within a period of four weeks from the date of receipt of a copy of this order. Meanwhile, there shall be interim suspension of impugned order.

Accordingly, the writ petition is disposed of. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

03-08-2017

Nvl



