

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.5559 OF 2017

ORDER:

1. The petitioner is working as Office Superintendent in the office of the Commissioner of Prohibition and Excise. Petitioner challenges the order of suspension dated 26.08.2016. Petitioner was placed under suspension on the ground that he was involved in Crime No.168 of 2016 of P.S. RC Puram of Medak District dated 08.04.2016 registered for the offences punishable under Sections 354, 448 and 506 of the Indian Penal Code. He was arrested on 09.04.2016 and produced before the Additional Judicial First Class Magistrate. He was sent to judicial remand and was released on bail on 13.04.2016. Thus, he was in judicial custody for more than 48 hours.

2. Learned counsel for the petitioner submits that the offences for which the petitioner was implicated and the criminal case are purely private affairs on a false complaint given by a lady against him. This is nothing to do with his employment. He further submits that the criminal case is pending trial and is not likely to be ended in the near future. Since there is no possibility of completion of trial in the near future, there is no justification to keep the petitioner under suspension endlessly. By placing reliance on G.O.Ms.No.86 General Administration (Ser.C) Department dated 08.03.1994, learned counsel submits that after expiry of six (6) months from the date of suspension, it is obligatory on the part of the disciplinary authority to revoke the order of suspension whereas in the instant case, no such revocation is undertaken.

3. Having regard to G.O.Ms.No.86 dated 08.03.1994 and in the peculiar facts of the case, without expressing any opinion on merits, the Writ Petition is disposed of directing the respondents to review desirability of further continuation of suspension of the petitioner and pass appropriate orders in accordance with law within a period of four (4) weeks from the date of receipt of a copy of this order. In the event of revoking the suspension, the petitioner may be posted in non-focal post till the criminal case is concluded. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

17th April 2017
RRB



(P.NAVEEN RAO, J)