

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.24271 OF 2017

ORDER :

The case of the petitioner is that he is working in the 2nd respondent office as Inspector Auditor Wakf and posted in Nalgonda District and while the matter stood thus, he was made In-charge of Suryapet District and the petitioner has been discharging his duties as such without any complaints from any quarters. The grievance of the petitioner is that by the impugned order dated 01-07-2017 he has been placed under suspension on the ground that he failed to attend to the Revenue Court as Department representative of Wakf Board in respect of a Dargah's case, when it is listed for hearing.

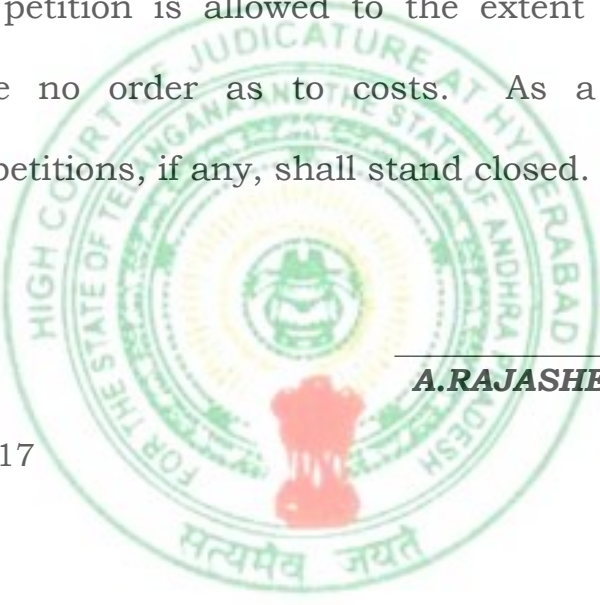
2. Learned counsel for the petitioner states that no charge memo muchless any preliminary enquiry conducted before passing the impugned order dated 01-7-2017. Learned counsel also states that Regulation 31 of the AP Wakf Regulation 1963, on which the impugned order is based, is not in vogue, as no fresh regulations have been framed under the Wakf Act, 1995. It is also submitted that in the petition filed to re-open the matter, which was reserved for orders, the reason shown in the affidavit was that due to the break-down of the vehicle in which the counsel for the Wakf Board and the petitioner were travelling, they could not attend the Court.

3. On the other hand, learned standing counsel for the respondent-Wakf Board made submissions in support of the impugned order.

4. From a perusal of the impugned order, the petitioner has been placed under suspension on the ground that he failed to

attend the Revenue Court. Though suspension is not a punishment, having regard to the averment made by the petitioner that the petitioner and the counsel for the Wakf Board could not attend the Court, as the vehicle in which they were travelling break-down and could not reach the Court in time, and in view of the simple nature of allegation, the punishment imposed is nothing but, non-application of mind. In the circumstances, the impugned order is set aside. However, this order will not preclude the respondents from proceedings against the petitioner for lapses, if any, in discharge of his duties, in accordance with law.

5. The writ petition is allowed to the extent indicated above. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, shall stand closed.



A.RAJASHEKER REDDY, J

Dated: 02-08-2017
NRG

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Date: 02-08-2017

NRG

