

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.30453 OF 2017

ORDER

The petitioner, who has been working as Mandal Surveyor, has been suspended by the 2nd respondent – District Collector and District Magistrate, Medchal, Malkajgiri District vide proceedings No.A1/2252/2017 dated 2.8.2017 on the ground of alleged negligence in performing the duties. The 2nd respondent sought the 4th respondent - Regional Deputy Director, Survey and Lands Records, Telangana State, Hyderabad, for ratification of the proceedings dated 2.8.2017. By the impugned proceedings No.A2-210-2013 dated 19.08.2017, the 4th respondent ratified the proceedings of the District Collector. Aggrieved by the same, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Services.

From the averments made in the writ affidavit and the submissions of the learned counsel it could be seen that petitioner earlier filed writ petition in W.P.No.27898 of 2017 challenging the proceedings of the 2nd respondent dated 2.8.2017, keeping him under suspension. This court by order dated 22.08.2017, set aside the said proceedings. The order reads as under:

“This writ petition is filed to declare the action of the 2nd respondent in placing the petitioner under suspension vide proceedings No.A1/2252/2017, dated 02-08-2017 as illegal and arbitrary.

As per Rule-3 of A.P.Survey and Land Records Subordinate Service Rules, the concerned Regional Deputy Director is the competent authority for taking action against the petitioner, but the impugned order is passed by the 2nd respondent which appears to be without jurisdiction.

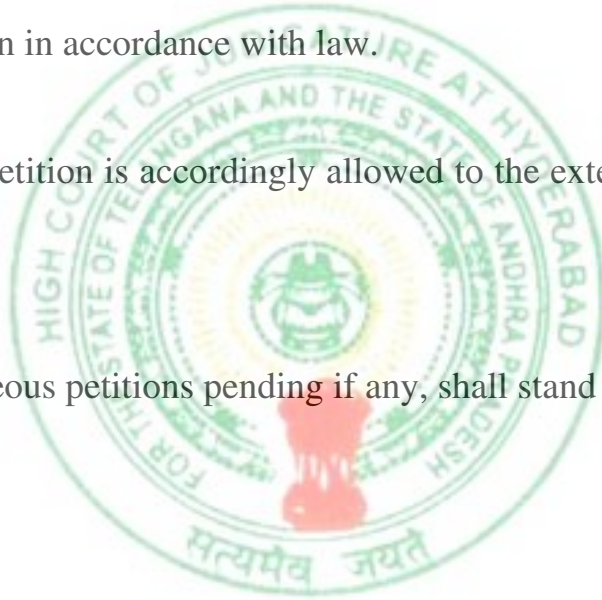
In view of the same, impugned order is set aside. However, this will not preclude the competent authority from taking appropriate action against the petitioner in accordance with rules.

Accordingly, the writ petition is allowed to the extent indicated above. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.”

From the above it is clear that this court has set aside the proceedings of the 2nd respondent dated 2.8.2017, suspending the petitioner, on the ground of jurisdiction. Therefore, question of ratifying the said proceedings, does not arise. In view of the same, the impugned proceedings dated 19.08.2017, are set aside, leaving it open to the competent authority to take appropriate action in accordance with law.

The writ petition is accordingly allowed to the extent indicated above.
No costs.

Miscellaneous petitions pending if any, shall stand closed.



A.RAJASHEKER REDDY,J

Date:11—09—2017

AVS