

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.30652 OF 2017

ORDER :

This petition is filed for a writ of *Mandamus* declaring the impugned proceedings vide Rc.No.978/B4/2013-10, dated 20.11.2014, issued by the District Educational Officer, Warangal-1st respondent, as illegal and arbitrary and to quash the same as the petitioner is continuing under prolonged suspension for nearly four years which is in violation of G.O.Ms.No.86, General Administration (Services-C) Department, dated 08.03.1994 R/w.G.O.Ms.No.526, General Administration (Services-C) Department, dated 19.08.2008, even without any review and consequently declare that the petitioner is entitled to be reinstated into service pending enquiry as per the CCA Rules with all consequential benefits.

Learned counsel for the petitioner states that the petitioner was suspended by impugned proceedings in Rc.No.978/B4/2013-10, dated 20.11.2014 issued by the 1st respondent. He also submits that though disciplinary proceedings were concluded, the same did not attain finality as the same are under challenge before this Court. He further states that the petitioner cannot be continued under suspension in view of G.O.Ms.No.86, dated 08.03.1994 read with G.O.Ms.No.526, dated 19.08.2008. He further submits that the petitioner will make necessary application for reinstatement and that the petitioner's suspension has to be reviewed in terms of G.O.Ms.No.526, dated 19.08.2008,

by the respondent authorities. He also placed reliance on the order dated 14.02.2017 passed by the Division Bench of this Court in WVMP.No.210/2016 in WP.MP.No.27774/2015 in WP.No.21546 of 2015.

Heard learned Government Pleader for Services.

The Division Bench of this Court in WVMP.No.210/2016 in WP.MP.No.27774/2015 in WP.No.21546 of 2015 held as follows;

“Given the fact that the first respondent has remained under suspension for over two years and as there is no possibility of the departmental proceedings concluding any time soon, the interim order dated 14.07.2015 is modified only to the extent of permitting the first respondent to apply to the competent authorities seeking reinstatement in service in terms of G.O.Ms.No.526, dated 19.08.2008. In the event such a representation is made, the authorities shall consider the same in accordance with law and pass appropriate orders thereon. This exercise shall be completed expeditiously and in any event, not later than four weeks from the date of receipt of the representation of the first respondent.”

In view of the above and having regard to the facts and circumstances, it is open for the petitioner to make application for consideration of his case under GO.Ms.No.526, dated 19.08.2008 and on such application being made by the petitioner the respondent authorities shall consider same and pass orders within a period of four weeks from the date of receipt of representation from the petitioner.

Accordingly, the writ petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition shall stand closed.

A.RAJASHEKER REDDY, J

12.09.2017
tk.

