

**THE HON'BLE SRI JUSTICE P.NAVEEN RAO**

**WRIT PETITION No.9267 OF 2017**

**DATED :21.03.2017**

Between :

A.Srikanth S/o.Sahadevudu,  
Aged about 50 yrs,  
Divisional Panchayat Officer (Under Suspension),  
Nizamabad, Nizamabad District,  
R/o.H.No.244/B,Sri Rajeswari Nilayam,  
Sri Srinivasapuram, Vanasthalipuram,  
Hyderabad.

..  
Petitioner

And

The District Collector,  
Nizamabad, Nizamabad District & others.

..  
Respondents



This court made the following :

**THE HON'BLE SRI JUSTICE P.NAVEEN RAO****WRIT PETITION No.9267 of 2017****ORDER :**

Heard.

2. Petitioner challenges the suspension order dated 10.08.2016. Though petitioner preferred appeal before the Director, Panchayat Raj & Rural Employment, Government of Telangana on 24.08.2016, so far the same is not disposed of.

3. During the course of arguments, learned counsel for the petitioner contended that Rule 13 of the Andhra Pradesh Civil Services (CCA) Rules, 1991 (for short 'the CCA Rules') vests power in District Collector to place the Divisional Panchayat Officer under suspension. The District Collector is required to follow the Government orders issued in G.O.Ms.No.77 dated 27.02.1996 before taking action. Learned counsel further submits that the very District Collector also directed the District Panchayat Officer to take action against the petitioner, whereas the District Collector passed orders suspending the petitioner.

4. On prima-facie consideration of G.O.Ms.No.77, it appears that it has come to the Government notice that District Level Officers working in a District are not following the instructions of the District Collector and in order to discipline the Officers working in the district to follow the instructions issued by the District Collector, the Government in the above order authorized the District Collector to initiate the disciplinary action against erring district officials by issuing a show cause notice and to obtain

explanation from them. Basing on the merits of the explanation, the District Collector was directed to send material to the concerned head of the department or government for taking necessary action. It is relevant to note that this government order was issued in the year 1996, whereas Rule 13 was amended and in the table appended to Rule 13, (2)(A) was added wherein the District Collector is held as competent authority to place the Divisional Panchayat Officer under suspension.

5. Prima-facie, I am of the opinion that government orders are not applicable to the Divisional Panchayat Officer. Moreover when the provision vests power in the District Collector to suspend, by referring to the government order issued in exercise of executive power, it cannot be held to nullify the power vested by the Rules. Thus, it cannot be said that the District Collector is not competent to place the petitioner under suspension.

6. Against an order of suspension, Rule 33 of the Rules vests right in the aggrieved employee to prefer appeal and petitioner has availed the remedy of appeal on 24.08.2016 and the same is pending.

7. Having regard to the fact that appeal was already preferred, this Court is not inclined to entertain the writ petition at this stage and the writ petition is liable to be dismissed.

8. Accordingly, the Writ Petition is dismissed. It is needless to observe that as the appeal preferred by the petitioner is pending for more than six months before the 3<sup>rd</sup> respondent, the 3<sup>rd</sup> respondent is directed to consider the appeal preferred by the petitioner on 24.08.2016 and pass appropriate orders as

warranted by law, as expeditiously as possible, preferably within a period of four (4) weeks, from the date of receipt of copy of this order. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

**P.NAVEEN RAO,J**

21<sup>st</sup> March, 2017  
Rds

