

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No. 26041 of 2017

ORDER:

The writ petition is filed assailing the proceedings No.1985/ CPR&RE/ E2/ 2017-2, dated 28.07.2017, whereby the petitioner was placed under suspension by the 4th respondent, on report sent by the 1st respondent, as being illegal, arbitrary and consequently set aside the order and direct re-instatement of the petitioner into service.

2. Heard the learned counsel for the petitioner and the learned Government Pleader for Services-I.

3. The case of the petitioner is that petitioner is working in the present station as Extension Officer, Panchayat Raj & Rural Development, Hathnoora Mandal, from 22.09.2014 and his spouse is also working as PG Headmaster at ZPHS, Chintacheruru, Hathnoor Mandal, and when he was posted on deputation to MPP, Kohir, which is at a distance of 150 kms from Hathnoora Mandal, he challenged the same by filing writ petition being WP No.3141 of 2017 and this Court by order dated 25.01.2017 suspended the order, and from then onwards the respondents bore grudge against him and selective treatment is being given to him and the order impugned in placing him under suspension is nothing short of such selective treatment meted out to him.

4. A perusal of the impugned order, it is seen that the Sarpanchas and Panchayat Secretaries of Gram Panchayats in Hathnoora Mandal seems to have represented to the authorities that the petitioner is involved in corrupt practices and even threatened them not to make any complaint to the higher authorities. Besides this, there all allegations that the petitioner failed to organize mandal level meeting with Sarpanchas, Panchayat Secretaries etc. with regard to

implementation of NREGS works. It is contended that the Rules issued under G.O.Ms.No.347, dated 21.11.2001, the 1st respondent-District Collector is not competent, though the proceedings preceding the impugned order are passed by the respondents 2 and 1, the impugned order is passed by the 4th respondent who is competent under the Rules.

5. It is settled proposition of law referred to in a catena of decisions of the Supreme Court as well as this Court and it is time and again held that the power of suspension should not be exercised in an arbitrary manner. Order of suspension can be affected only in a case where there is a strong prima facie case against the delinquent employee and the allegations involving moral turpitude, grave misconduct or indiscipline or refusal to carry out the orders of superior authority are prevalent, or there is a strong prima facie case against the delinquent, if proved, would ordinarily result in reduction in rank, removal or dismissal from service. The authority should also taken into account all the available material and attendant circumstances as to how far and to what extent public interest would suffer if the delinquent is not placed under suspension. (*See decisions in Nanuram vs. State of Maharashtra*, (2017 Indlaw MUM 189), and *G.Govindu vs. Telangana State Road Transport Corporation*, (2017 Indlaw HYD 54).

6. In this case the allegation is that the petitioner failed to carry out the orders of the superior authority and charged with the dereliction of duties. Though it is alleged by the petitioner order of suspension is passed placing him under suspension is an offshoot on account of the legal proceedings taken out by him against the department, serious allegations are made against the petitioner. The truth or otherwise of the allegations cannot be gone into at this stage, pending enquiry. No exceptional grounds are made out to interfere with order of suspension pending enquiry. Hence, I do not find any reasons to interfere with the impugned order of suspension.

7. Accordingly, the writ petition is dismissed. However, the respondents are directed to conclude and complete the enquiry within a period of five months from the date of receipt of the order. No costs. As a sequel, the miscellaneous petitions if any, shall stand dismissed.

Dated : 21.09.2017
Mj/

HON' BLE SRI JUSTICE A. RAJASHEKER REDDY

