

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WP No.30731 of 2017

ORDER:

This writ petition is filed challenging the proceedings in Rc.No.A2/210/2016,dated 08.09.2017 placing the petitioner under suspension pending enquiry.

Heard learned counsel for the petitioner and learned Standing Counsel for the 1st respondent temple.

Learned counsel for the petitioner submits that charge memo was issued on 06.09.2017 granting 15 days time to petitioner to submit his explanation and without waiting for 15 days, only basing on the trust board resolution dated 08.09.2017, impugned order of suspension is passed, without any basis. He submits that the trust board members warned the petitioner with dire consequences for not handing over truck to the trust members and that they bore grudge against the petitioner and forced the Executive Officer to pass impugned orders.

On the other hand, learned Standing Counsel submits that serious allegation of misbehavior with the devotees in the temple was alleged against the petitioner and that the same cannot be permitted, which may spoil the peace and tranquility of temple atmosphere.

It is to be seen that several allegations are made in charge memo dated 06.09.2017 basing on the said allegations impugned order of suspension pending enquiry was issued to the petitioner

on 08.09.2017. The truth or otherwise of the allegations in the charge memo cannot be gone into at this stage by exercising power of extraordinary jurisdiction under Article 226 of the Constitution of India. Normally, this Court will not interfere suspension pending enquiry. It is not the case of the petitioner that the impugned order is passed without jurisdiction.

Having regard to the facts and circumstances of the case, it is open for the petitioner to submit explanation to the charge memo within a period of two weeks from the date of receipt of a copy of this order and on such application, the respondents are directed to complete enquiry within a period of four weeks thereafter. If enquiry is not completed within the stipulated period, petitioner shall be reinstated to duty, subject to conclusion of disciplinary proceedings.

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

21.09.2017
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A.RAJASHEKER REDDY, J

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Date: 21.09.2017

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