

**THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE N. BALAYOGI**

WRIT PETITION No. 9828 of 2017

ORDER: (per Hon'ble Sri Justice Sanjay Kumar)

The petitioner is the applicant in O.A.No.494 of 2017 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad. His grievance before the Tribunal was that the authorities were keeping him under protracted suspension from 05.05.2016 without even issuing a charge memo. He also sought a declaration that the action of the authorities in delaying his claim for reinstatement was illegal. By order dated 01.03.2017, the Tribunal dismissed the O.A. without inviting a counter affidavit.

Perusal of the order under challenge reflects that the Tribunal took note of the fact that a grave allegation had been levelled against the petitioner with regard to misappropriation of public monies involving moral turpitude and opined that interference was not warranted at that stage. The O.A. was accordingly dismissed directing the Deputy Commissioner of Prohibition and Excise, Kakinada, to review suspension of the petitioner in terms of G.O.Ms.No.86 dated 08.03.1994 within a time frame.

Sri C. Srinivasa Baba, learned counsel for the petitioner, would contend before this Court that the issue of review of the suspension at the end of six months was never raised by him but, despite the same, the Tribunal itself raised this additional aspect and issued directions. Learned counsel would state that though the petitioner was placed under suspension as long back as on 05.05.2016, no charge memo has been issued till date and the

disciplinary proceedings are yet to commence. He would place reliance on the judgment of the Supreme Court in ***Prem Nath Bali v. Registrar, High Court of Delhi***¹ wherein the Supreme Court made observations to the effect that disciplinary proceedings should be concluded within a reasonable time. He would also place reliance on the proceedings dated 25.10.2016 of the Commissioner of Prohibition & Excise, Andhra Pradesh, whereby one K. Ravi Sankar, Prohibition and Excise Sub Inspector, who was said to have committed the alleged misconduct along with the petitioner and was also placed under suspension on 05.05.2016, was reinstated pending enquiry and posted at a non-focal post other than in Krishna District. Learned counsel would assert that though the petitioner also made a similar representation, the same has not been considered.

Perusal of the judgment relied upon reflects that the Supreme Court stated in categorical terms that a sincere endeavour must be made to conclude disciplinary proceedings within a reasonable time and as far as possible, it should be completed within six months as an outer limit.

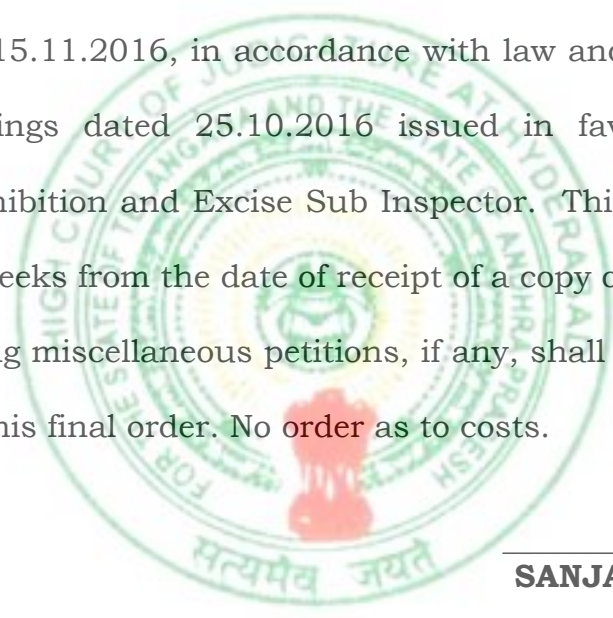
In the present case, the petitioner and K. Ravi Sankar were placed under suspension in relation to the same alleged misconduct on 05.05.2016. Admittedly, no charge memo has been issued till date. That apart, K. Ravi Sankar has been reinstated in service pending enquiry but the same relief has not been extended to the petitioner.

Keeping in view the totality of the aforestated facts, the writ petition is disposed of setting aside the order dated 01.03.2017

¹ 2015 Law Suit (SC) 1236

passed by the Tribunal in O.A.No.494 of 2017 and directing the authorities to conclude the disciplinary proceedings against the petitioner expeditiously and, in any event, not later than six months from the date of receipt of a copy of this order. As the other Prohibition and Excise Sub Inspector who was alleged to have committed misconduct along with the petitioner has been reinstated in service pursuant to the Commissioner's proceedings dated 25.10.2016, there shall also be a direction to the Commissioner of Prohibition and Excise, State of Andhra Pradesh, the second respondent, to consider the petitioner's representation, received on 15.11.2016, in accordance with law and in the light of the proceedings dated 25.10.2016 issued in favour of K.Ravi Sankar, Prohibition and Excise Sub Inspector. This shall be done within two weeks from the date of receipt of a copy of this order.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.



SANJAY KUMAR, J

N. BALAYOGI, J

Date: 21.03.2017
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