

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.28052 OF 2017

ORDER:

The present Writ Petition, under Article 226 of the Constitution of India, is filed with the following prayer:

“to issue a Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus declaring the proceedings No.477/Admn.IV/DC-1/2016, dated 4.8.2017 issued by the Managing Director, Telengana State Dairy Development Co.op Federation Limited, Hyderabad keeping the petitioner under suspension as wholly illegal, arbitrary, without jurisdiction and violative of Articles 14, 16 and 21 of the Constitution of India and consequently declare that the petitioner is not liable to be kept under suspension.”

2. Learned counsel for the petitioner submits that already enquiry officer was appointed twice and the report was also submitted, but again as per the counter affidavit, third enquiry officer is appointed, which is not as per the procedure enunciated under the Rules. He further submits if the Disciplinary Authority is not satisfied with the enquiry officer's report, it can issue notice to the petitioner differing with the findings of the enquiry officer, but in the present case, without issuing such notice, third enquiry officer was appointed; that prior to the order of suspension, petitioner was transferred to other Section on 02.11.2016, therefore, there is no need for again suspending the petitioner pending enquiry.

3. Sri Palle Srihari Nath, learned Standing Counsel appearing for respondent No.3 submits that already enquiry officer submitted his report and the Disciplinary Authority is taking steps to pass appropriate orders on the same.

4. A perusal of the letter produced along with the counter affidavit shows that the petitioner himself admitted the guilt. It is for the Disciplinary Authority to consider the same and it is also open to the petitioner to submit the objections regarding the same. Normally, this Court will not interfere with the order of suspension unless it is without jurisdiction or without application of mind or arbitrary or *mala fide*. It is not the case of the petitioner that the suspension order is passed on the ground of *mala fides*. The order of suspension is based on allegations made against the petitioner and the petitioner has not questioned the appointment of enquiry officer. It is also not the case of the petitioner that the impugned order is passed suspending the petitioner without jurisdiction.

5. In view of the above, I do not see any reason to entertain the writ petition. However, the respondent authorities are directed to conclude the enquiry and pass appropriate orders in accordance with the Rules within a period of four (04) weeks from the date of receipt of a copy of this order. If the enquiry is not concluded within such period, the respondents are directed to reinstate the petitioner into service.

6. With the above direction, the Writ Petition is disposed of.

Consequently, Miscellaneous Petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JUSTICE A.RAJASHEKER REDDY

Date:24.10.2017
INL

