

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.35551 OF 2017

ORDER:

This writ petition is filed challenging the impugned order in Proc.No.3/2016-A1/(Pts), dated 02-01-2016 issued by the 3rd respondent.

Heard learned Government Pleader for Services.

Learned counsel for the petitioner submits that the impugned order passed against the petitioner is without jurisdiction, as the District Collector is not competent authority for ordering suspension in view of Rule 13 of Andhra Pradesh Panchayat Raj Subordinate Service Rules, 2010 and he relied on the order of Division Bench of this Court in WP.No.30095 of 2016, dated 07-09-2016.

In W.P.No.30095 of 2016, this Court held that in the light of the Rule-13 contained in A.P.Panchayat Raj Subordinate Service Rules, it is only the 5th respondent who would exercise powers of disciplinary authority over Panchayat Secretaries Grade I and II, the general rule under Rule 14 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991, which states to the contrary, cannot be applied and set aside the order of suspension in that case.

In view of the same, following the same, the impugned order is set aside.

Accordingly, the writ petition is allowed. However, this order will not preclude the authorities from concluding disciplinary proceedings if initiated by competent authority. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

27-10-2017
Nvl



