

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 37760 of 2017

Order:

Heard learned counsel for the petitioner and learned Government Pleader for the respondents.

The petitioner was appointed as Village Servant on compassionate grounds by proceedings dated 29.05.2008 issued by the Tahsildar, Ghatkesar. Later on, he was promoted as Village Development Assistant by proceedings dated 23.01.2014. While so, he was placed under suspension by the first respondent on 28.09.2016 on the ground that he tampered the Pahani by completely removing two pages and inserting two new papers in that place. The present Writ Petition is filed challenging the said order of suspension mainly on the ground that the first respondent has no jurisdiction to pass the impugned order. He relied on an order of this Court passed in W.P.No.35551 of 2017 dated 27.10.2017, wherein this Court considered the application of general rules under the Andhra Pradesh Civil Services (CCA) Rules, 1991 vis-à-vis Andhra Pradesh Panchayat Raj Subordinate Service Rules and held that the general rules are not applicable. As per Rule 13 of the special Rules, the District Collector is not competent authority for ordering suspension.

Since the impugned order was passed by the first respondent - Sub-Collector, the order passed by the first respondent is without jurisdiction and is, accordingly, set aside. However, this will not prevent the competent authority from initiating action against the petitioner, if he is so chooses.

The Writ Petition is, accordingly, allowed. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 29.11.2017
Nsr

