

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.36045 of 2017ORDER:

Heard Sri N. Ramu, learned Counsel for the Petitioner and learned Standing Counsel appearing for respondent Nos.1 to 4.

The petitioner was appointed as P.E.T through DSC 2002 and he was placed under suspension on 11.11.2016 on the ground that he was arrested on 01.11.2016 in a case concerning with counterfeit Indian currency and a crime was registered under Section 489(A)(B)(C), 120(B), 420 IPC. Later, he was enlarged on bail on 25.11.2016 by the Special Judge for Trial of Offences under SCs and STs(POA) Act-cum-VI Additional Metropolitan Sessions Judge, Secunderabad and no charge sheet is filed in the said case so far. Since no charge sheet was filed and no enquiry was commenced in respect of the same by the Departmental Officials, he filed the present Writ Petition seeking reinstatement as the petitioner is being continued under suspension indefinitely.

The learned counsel for the petitioner placed reliance on G.O.Ms.No.86, dt. 08.03.1994 and G.O.Ms.No.526 dt. 19.08.2008. He further states that suspension is not being reviewed periodically at the end of six months though it is contemplated in the said Government Orders.

Since the present Writ Petition is filed seeking reinstatement on the ground of non review of the order of suspension, without going into merits of the case, this Court feels that it is a fit case to direct the respondents to review the case of suspension of the petitioner as provided in the above said G.Os and pass appropriate orders in accordance with law.

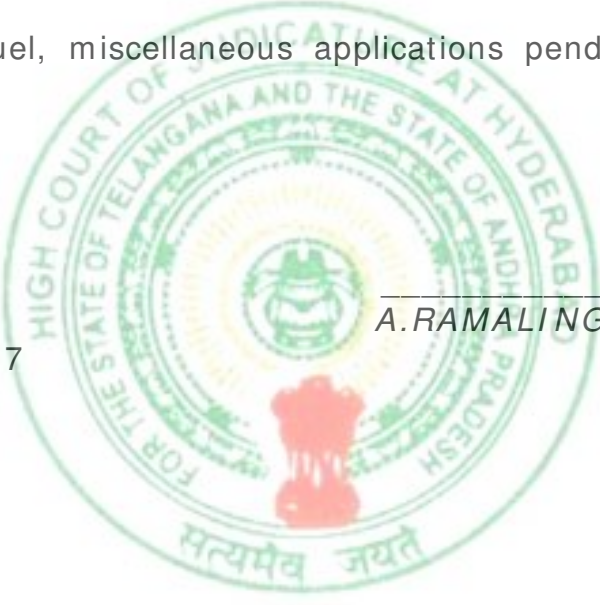
Though learned counsel for the petitioner relied on the judgment reported in *Ajay Kumar Choudhary v. Union of India through its Secretary and another*¹, the Division Bench of this Court in *Buddanna Venkata Murali Krishna v. State of AP and Another*² considered the said decision and other decisions and held that the competent authority has to review the order of suspension periodically.

In view of the same, the Writ Petition is disposed of directing the respondents to review the order of suspension passed in respect of the petitioner within a period of one month and pass appropriate orders in accordance with law.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

Date: 07.11.2017

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A.RAMALINGESWARA RAO, J

¹ (2015) 7 SCC 291

² 2015(6) ALD 694

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