

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.36010 OF 2017

ORDER:

The petitioner was initially appointed as Veterinary Assistant Surgeon by the second respondent by proceedings dated 09.11.2009. He joined the service on 18.11.2009. His services were regularized by the second respondent by proceedings dated 11.12.2013, with effect from 09.12.2009. While so, a show cause notice was issued by the fourth respondent signed by the District Collector, Wanaparthy, on 25.09.2017 and the petitioner submitted his explanation on 06.10.2017. Without considering the said explanation, the petitioner was kept under suspension by proceedings dated 13.10.2017 and challenging the same, the present writ petition is filed.

Learned counsel for the petitioner submits that the third respondent is not the disciplinary authority to keep the petitioner under suspension and it is the second respondent, who is competent to take any disciplinary proceedings against the petitioner. The said statement of the learned counsel for the petitioner is not disputed by the learned Government Pleader for respondents.

In the circumstances, this Court is constrained to set aside the impugned order of suspension dated 13.10.2017 passed by the third respondent. However, setting aside of the said impugned order will not prevent the competent authority to examine the case and take an independent decision if warranted by law.

The writ petition is accordingly allowed. Consequently, miscellaneous petitions pending, if any, shall stand closed.

A.RAMALINGESWARA RAO, J

08.11.2017
pln