

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No. 35166 OF 2017

ORDER:

Heard learned counsel for the petitioner and Sri M.S.R.Chandra Murthy, learned Standing Counsel for the 2nd respondent.

This writ petition is filed seeking writ of mandamus declaring the action of the 2nd respondent in issuing the proceedings No.D12/5321/2017, dated 25.07.2017 wherein and whereby, the petitioner was suspended from service and placed him under temporary out of contract employment.

Learned counsel for the petitioner submits that the 2nd respondent issued show-cause notice dated 04.09.2017 to the petitioner alleging certain allegations. He submits that though petitioner submitted explanation on 04.10.2017, without considering the same, impugned order was passed. He submits that the petitioner is kept out of employment from 25.07.2017 onwards. He submits that the 2nd respondent himself had addressed letter dated 25.07.2017 to the Commissioner for changing of dates from 06.07.2017 to 12.07.2017 instead of from 30.06.2017 to 05.07.2017, as such, suspending the petitioner and keeping him from out of employment and continuing to do so is illegal.

On the other hand, learned Standing Counsel, based on written instructions, submits that there are some irregularities in the execution of MGNREGS works, as such, petitioner was kept under suspension.

It is to be seen that petitioner was issued show-cause notice dated 04.09.2017 and when the petitioner submitted explanation on 04.10.2017, the respondents could have passed an order. That apart, the petitioner was suspended based on certain allegations.

Ordinarily, this Court will not interfere with order of suspension pending enquiry unless it is without jurisdiction, without application of mind, arbitrary or it is a *malafide* action. Petitioner could not establish any of above grounds for quashing the impugned order, as such, I do not see any merit in the writ for quashing the impugned order.

Having regard to the facts and circumstances of the case, the 2nd respondent is directed to consider the explanation of the petitioner dated 04.10.2017 and pass orders, in accordance with Rules in force, within a period of four weeks from the date of receipt of a copy of this order. If no orders are passed by the 2nd respondent within the aforesaid period, he is directed to reinstate the petitioner into service, however, subject to orders to be passed by him. In the meanwhile, the post held by the petitioner shall not be filled up.

With the above direction, this writ petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in this writ petition, shall stand disposed of.

A.RAJASHEKER REDDY,J

25-10-2017
kvs



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Date: 25.10.2017

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