

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.38941 of 2017

ORDER:

The petitioner was appointed as Sanitary Worker in the second respondent municipality, by proceedings, dated 11.07.2002, on compassionate grounds as his father died in harness on 03.11.2000. Thereafter, the petitioner was posted as Attender in the Revenue Department of the second respondent municipality on 04.02.2014. Subsequently, he was promoted as Bill Collector, by proceedings, dated 24.04.2015. While so, the petitioner was arrested in connection with F.I.R.No.152 of 2016, dated 16.10.2016, and was remanded to judicial custody. On the ground that he was involved in the said criminal case, the petitioner was placed under suspension by the second respondent municipality, by proceedings, dated 08.11.2016. Thereafter, the petitioner was released on bail on 24.01.2017 and he made representations to the second respondent municipality requesting for his reinstatement. However, the second respondent municipality issued impugned endorsement, dated 16.10.2017, stating that the petitioner would be reinstated into service only after completion of the pending criminal proceedings. Challenging the said endorsement, the petitioner filed the present writ petition.

2. The learned counsel for the petitioner submits that so far, no departmental proceedings are initiated against the petitioner and no charge memo was issued to him and therefore, continuation of suspension against the petitioner merely due to the pendency of the criminal proceedings is not warranted.

3. It is well settled that the criminal proceedings are different from the departmental proceedings and when departmental proceedings are not

initiated against an employee, he/she should have been allowed to continue in service. It is not known whether any departmental proceedings are now pending against the petitioner.

4. In view of the above facts and circumstances of the case, the Writ Petition is disposed of directing the second respondent municipality to review endorsement, dated 16.10.2017, in the light of the Service Rules applicable to the petitioner and take a decision with regard to the reinstatement of the petitioner, if there are no departmental proceedings pending against him and pass appropriate orders within a period of three weeks from the date of receipt of a copy of this order.

5. As a sequel to disposal of the writ petition, W.P.M.P.No.48315 of 2017 filed by the petitioner for interim relief shall stand disposed of as infructuous.



A.RAMALI NGESWARA RAO, J

04th December, 2017

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