

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 39515 of 2017

Order:

The petitioner was appointed as Grade-II Hostel Welfare Officer in June 2013 by way of direct recruitment and posted at Social Welfare Girls Hostel, Mahabubnagar. However, she was placed under suspension by orders dated 06.05.2017 on the ground that she achieved lowest results in the SSC examination i.e., 28.94%. Thereafter, a charge memo was issued on 12.06.2017 calling for the explanation of the petitioner. She submitted a detailed explanation on 19.06.2017 and after considering the same an order was passed on 10.08.2017 by the first respondent reinstating the petitioner into service and posting her at Social Welfare Girls Hostel, Maganoor, which is more than 80 KMs away from the earlier place where she was working and kept under suspension. Since the present place of posting is at a distance of 80 KMs, she submitted a representation on 23.08.2017 for considering her case for posting at the same place or in the vacant places available in SCBH Vaspula or SCGH Midjil on the ground that she is having two daughters under 10 years age and aged parents and mother-in-law. Without considering the said representation, the first respondent passed an order on 21.09.2017 again keeping the petitioner under suspension by withdrawing the earlier orders of posting dated 10.08.2017. Challenging the same, the present Writ Petition is filed.

In the normal circumstances, the first respondent should have considered the representation of the petitioner dated 23.08.2017 before taking a decision. An acknowledgement of the said representation clearly shows that it was received on 23.08.2017. The said representation was not even considered by the first respondent while passing the impugned order on 21.09.2017. The reasons for revoking the earlier order and

keeping the petitioner under suspension appear to have been based on the ground that she did not report for duty at the transferred place. A perusal of the chronology of events show that the petitioner has immediately submitted the representation on 23.08.2017 and it was for the first respondent to pass appropriate orders thereon. But, the first respondent passed an order on 21.09.2017 without considering the same.

In the circumstances, this Court is constrained to set aside the impugned order dated 21.09.2017 and remand the matter to the first respondent for passing appropriate orders in accordance with law by considering the representation of the petitioner dated 23.08.2017 within a period of two weeks from the date of receipt of a copy of this order. While passing such orders, the first respondent shall regulate the period of suspension also.

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: 04.12.2017

Note:
Issue CC in three days
(B/O)
Nsr