

**HON'BLE SRI JUSTICE SURESH KUMAR KAIT
AND
HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

WRIT PETITION No.1990 of 2018

ORAL ORDER: (Per Suresh Kumar Kait, J)

Vide the present petition, petitioner has challenged order dated 18.12.2017 passed in O.A.No.3055 of 2017 by the Andhra Pradesh Administrative Tribunal, Hyderabad, whereby the application filed by the petitioner under Section 19 of the Administrative Tribunals Act, 1985, challenging the proceedings dated 09.06.2016 and memo dated 11.07.2017 issued by the 3rd and 1st respondents respectively, whereunder the petitioner was placed and continued under suspension, was dismissed.

2. Petitioner, while working as Junior Assistant in the office of District Coordinator Hospital Services, Krishna District at Machilipatnam, was kept under suspension by District Coordinator of Hospital Services, Krishna District, in Rc.No.775/E3/DCHS/2016 on 09.06.2016 with effect from 31.05.2016. The allegation against the petitioner is that he demanded and accepted bribe of Rs.10,000/- from the contractor who was doing sanitary works in several hospitals in the District for doing official favour. During raid conducted by Anti Corruption Bureau officials on 31.05.2016, he was caught red-handed with the tainted bribe amount. Accordingly, he was arrested by ACB and when he was produced before the Special Judge for SPE & ACB Cases, Vijayawada, he was remanded to judicial custody on 01.06.2016. Subsequently, he was released on bail on 29.06.2016. On receipt of the report to that effect, the 3rd respondent passed the suspension order on 09.06.2016. Questioning the said order, petitioner filed O.A.,

before the Tribunal, which was dismissed by order dated 18.12.2017 and the same is the subject matter of challenge in the present petition.

3. Learned counsel for the petitioner submits that petitioner is going to retire from service on 30.04.2018; therefore, he may be reinstated into service by revoking the suspension, so that he may retire peacefully. He further submits that if there is any wrongdoing on the part of the petitioner, he will face consequences in the criminal case pending against him if it is proved.

4. Fact remains that as per G.O.Ms.No.86, General Administration (Ser-C) Department dated 08.03.1994, review of suspension has to be made every six months and as per G.O.Ms.No.526, General Administration (Ser-C) Department dated 19.08.2008, in all cases relating to involvement of Government servants in ACB cases, the Government has to review the suspensions and if not, to reinstate the Government servant into service on expiry of two years period of suspension. In the present case, the suspension of the petitioner was reviewed by the Committee on 04.07.2017 and the Committee decided to continue the petitioner under suspension.

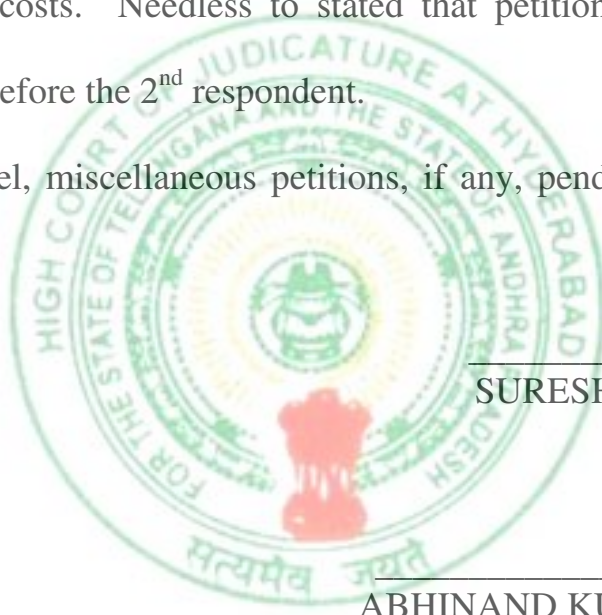
5. Allegation against the petitioner is in relation to a trap case said to have been successfully conducted by ACB officials. Therefore, for filing charge sheet/final report before the special Court, ACB has to complete the investigation and also obtain sanction for prosecution from the Government. It is not in dispute that the said procedure shall take some time. Though completion of investigation is in the hands of ACB, giving of sanction for prosecution is not in their hands and a decision has to be taken by the Government, after receipt of report from ACB. Therefore, having regard to

serious and grave allegations pending against the petitioner relating to corruption and bribery, the Tribunal was of the opinion that it is not a fit case for interference for directing reinstatement of the petitioner into service.

6. Keeping in view serious nature of charges levelled against the petitioner and in view of the fact that the petitioner has to face criminal trial, we find no perversity or illegality in the order dated 18.12.2017 passed in O.A.No.3055 of 2017 by the learned Tribunal.

7. Finding no merit in the petition, the same is accordingly dismissed. No order as to costs. Needless to stated that petitioner may pursue his appeal pending before the 2nd respondent.

As a sequel, miscellaneous petitions, if any, pending in the petition, stand closed.



SURESH KUMAR KAIT, J

ABHINAND KUMAR SHAVILI, J

January 25, 2018
MRR