

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

W.P.No.3208 of 2018

ORDER: (ORAL)

(Per Hon'ble Sri Justice Suresh Kumar Kait)

Vide the present petition, the petitioner is challenging the order dated 25-01-2018 passed in O.A.No.7 of 2018.

The case of the petitioner is that while he was working as Municipal Commissioner, Pedana Municipality, Krishna District he was transferred and posted to Gudivada Municipality as Assistant Commissioner on 08-05-2017. In pursuance to the said transfer, the petitioner has joined as Assistant Commissioner of Gudivada Municipality on 12-05-2017 after handing over the charge at Pedana Municipality on 10-05-2017. While the petitioner was working as Municipal Commissioner, Pedana, on the complaint made by the Municipal Councilors to the 3rd respondent, dated 11-12-2015, the petitioner has found unauthorized layouts from the period 2010 onwards in Pedana Municipal limits. Having found the same, the petitioner submitted report to the 3rd respondent regarding unauthorized layouts by his letter dated 20-01-2016. In spite of the same, no action was taken by the 3rd respondent. While so, the petitioner was transferred and posted to Gudivada Municipality. The entire services of the petitioner are meritorious. While so, the 1st respondent passed the impugned order dated 04-01-2018 placing the petitioner under suspension alleging unauthorized layouts in

RS.Nos 353, 28/11G, 301/1, 2 and 3 and 469/6A, 479/3, 4 and 5 and 482/1B, 3 and 4 in Pedana Municipality without collecting development charges and 10% of open space charges. Being aggrieved, the petitioner approached the Tribunal by filing O.A.No.7 of 2018 and the same was dismissed by recording that the matter to be decided during disciplinary proceedings, which are contemplated under Rule 20 of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991.

Learned counsel appearing on behalf of the petitioner admitted that against suspension order dated 04-01-2018, the petitioner has not made any representation before the competent authority to revoke his suspension.

Finding no illegality and no perversity in the order passed by learned Tribunal, we hereby dispose of the present writ petition by granting liberty to the petitioner to file representation before the Government for revocation of suspension. On receipt of the same, the respondents shall decide the same and communicate to the petitioner in writing within one week from the date of decision.

Miscellaneous petitions pending, if any, shall stand closed. No costs.

SURESH KUMAR KAIT, J

ABHINAND KUMAR SHAVILI, J

