

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.9479 OF 2018

ORDER :

This Writ Petition is filed seeking writ of mandamus declaring the action of the 3rd respondent in placing the petitioner under suspension vide proceedings No.01/197(04)/2018-OGI, dated 15.03.2018 on the ground of misconduct, as illegal and arbitrary and consequently to set aside the same.

Heard learned counsel for the petitioner and Sri P.Durga Prasad, learned Standing Counsel for the respondents 1 to 4.

Learned counsel for the petitioner submits that the facts and circumstances do not warrant invocation of order of suspension pending enquiry. He submits that since there are disputes between the petitioner and the complainant, the impugned order has been passed.

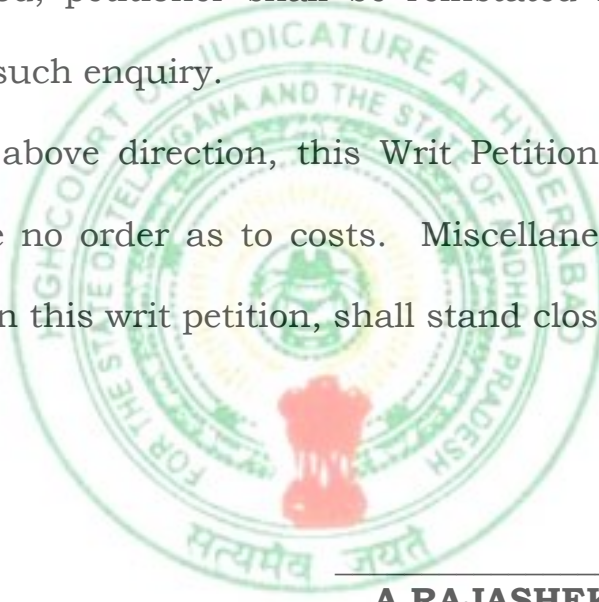
On the other hand, Sri P.Durga Prasad, learned Standing Counsel submits that the impugned has been passed on the ground of acts of insubordination and dereliction of duties on the part of the petitioner and that the truth or otherwise of the allegations will be gone into in the enquiry to be conducted against the petitioner.

In the instant case, it is to be seen that the impugned order has been passed basing on some allegations against the petitioner. Normally, this Court will not interfere with the order of suspending pending enquiry unless the same is without jurisdiction. Since certain allegations are made against the

petitioner, the truth or otherwise of the same cannot be gone into in this Writ Petition at this juncture. In view of same, I do not see any reason to interfere with the order of suspension.

Since the charge sheet is also issued on 15.03.2018 to the petitioner, it is open for the petitioner to submit explanation, if not already submitted within a period of two weeks from today and the competent authority is directed to consider the same and take action in accordance with law, within a period of four weeks thereafter. If the disciplinary enquiry is not concluded within the aforesaid period, petitioner shall be reinstated into service, till conclusion of such enquiry.

With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition, shall stand closed.



A.RAJASHEKER REDDY, J

24.04.2018
kvs

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Date: 24.04.2018

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