

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.11391 OF 2018

ORDER :

This writ petition is filed seeking writ of mandamus declaring the action of the respondents in not re-instating the petitioner into service in terms of law laid down by the Hon'ble Supreme Court in the case of **Ajay Kumar Choudhary v. Union of India's** case as illegal and arbitrary.

Heard learned counsel for the petitioner and learned Assistant Government Pleader for Services.

It is the case of the petitioner that the petitioner was placed under suspension by the 1st respondent vide proceedings No.4442/A.2/2017, dated 21.10.2017 on the allegation of registration of case by the ACB officials for demanding and accepting bribe.

Learned counsel for the petitioner by relying on the Judgment of Supreme Court in **Ajay Kumar Choudhary v. Union of India (2015 (7) SCC 291)** submits that since charge sheet is not filed within three months from the date of suspension, the order of suspension has to be quashed.

On the other hand, learned Government Pleader for Services submits that the Division Bench of this Court considered the aforesaid Judgment along with other Supreme Court Judgments in WP.No.7618 of 2015 dated 01.06.2015, wherein it is held that revocation of suspension after completion of three months is not automatic. Further the Government also issued G.O.Ms.No.86,

dated 08.03.1994 providing for review of suspension orders after completion of six months from the date of suspension.

In this case it is to be seen that the Division Bench of this Court in WP.No.7618/2018 considered the Judgment of Supreme Court in ***Ajay Kumar choudhary's case*** and held that merely because charge sheet is not filed within three months from the date of suspension order, revocation of suspension is not automatic.

In view of the same, the writ petition is disposed of directing the competent authority to review the order of suspension of petitioner in terms of G.O.Ms.No.86, Gen.Admn.(Ser.C) Dept. dated 08.03.1994, and pass orders.

Accordingly, the writ petition is disposed of. No order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

16.04.2014
kvs

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Date: 16.04.2018

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