

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.12762 OF 2018

ORDER :

This writ petition is filed challenging the impugned order of suspension from service and charge sheet issued vide common proceedings No.P1/114(1)/17-NLG, dated 29.03.2018, as illegal and arbitrary and for a consequential direction to the respondents to reinstate the petitioner into service.

Learned counsel for the petitioner submits that the so called complaint against the petitioner was given on 17.01.2017 and preliminary enquiry report was said to have been submitted on 03.06.2017, but in the meanwhile there was compromise between the petitioner and complainant and the said aspect was not considered by the authorities in the preliminary report. He further submits that had there been gravity in the charges the petitioner could have been suspended immediately after preliminary enquiry.

On the other hand learned Standing Counsel vehemently submits that the compromise between the petitioner and complainant is one thing and enforcing discipline amongst the employees of the Corporation is another thing, if not, it will effect the image of the Corporation. He also submits that even after suspension the petitioner forcefully signed in the attendance register, against Rules. He further submits that the

enquiry is in progress and since already explanation is submitted, respondents will complete the enquiry.

In this case it is to be seen that complaint is made against the petitioner on 17.01.2017 and preliminary enquiry report was submitted on 03.06.2017 and now impugned order dated 29.03.2018 is passed suspending the petitioner. Had there been serious allegations, suspension pending enquiry could have been passed immediately after preliminary enquiry, but the respondents after lapse of nine months, that too when the enquiry is in progress, passed the impugned order.

In view of the facts and circumstances, the impugned order is set aside. However, it is open for the competent authority to complete enquiry and take action in accordance with law. This order will not preclude the competent authority from taking action in respect of subsequent conduct of the petitioner.

Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any pending, shall stand closed.

A.RAJASHEKER REDDY, J

17.04.2018
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