

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.13823 OF 2018

ORDER:

This writ petition is filed challenging the order dated 08.08.2017, issued by the 3rd respondent suspending the petitioner from service and also proceedings dated 16.02.2018 issued by the 3rd respondent in reviewing the order of suspension whereby petitioner was continued to be under suspension until conclusion of disciplinary proceedings.

Learned counsel for the petitioner submits that the 1st respondent while reviewing the suspension order dated 08.08.2017 has not stated any reasons for continuing the petitioner under suspension beyond six months, except reiterating the ground on which suspension order is issued. He also relied on the Judgment rendered by the Supreme Court in ***Ajay Kumar Choudhary v. Union of India (2015 (7) SCC 291)***.

On the other hand learned Assistant Government Pleader for Services submits that since petitioner is involved in a criminal case he was suspended; and that mere delay in initiation of disciplinary proceedings cannot be a ground for quashing the order of suspension.

In this case it is to be seen that initially suspension order dated 08.08.2017 was issued to the petitioner alleging that he involved in a criminal case vide Cr.No.185/2017 under Sections

3(a), 10 of the Money Lending Act, 1955 and Section 420 IPC. Again while reviewing the said suspension order, after six months, the 3rd respondent did not mention any reasons for continuing the petitioner under suspension beyond six months, except stating that the petitioner shall be continued under suspension until conclusion of the disciplinary proceedings.

Since the impugned order dated 16.02.2018, which was passed reviewing the suspension order dated 08.08.2017, does not show proper reasons for extending the period of suspension and in view of the fact that so far, no disciplinary proceedings are initiated, the impugned order dated 16.02.2018 is set aside and the competent authority is directed to once again review the order of suspension keeping in view G.O.Ms.86, Gen.Admn.(Ser.C) Dept., dated 08.03.1994 and the Judgment rendered by the Supreme Court in ***Ajay Kumar Choudhary v. Union of India (2015 (7) SCC 291)***, within a period of four weeks from the date of receipt of a copy of this order.

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

26.04.2018
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