

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION NOS.16111 AND 30880 OF 2018

COMMON ORDER
(Per Hon'ble Sri Justice Sanjay Kumar)

Certain employees of Tiruvuru Nagara Panchayat, Krishna District, were suspended by the Regional Director-cum-Appellate Commissioner of Municipal Administration, Rajamahendravaram, in relation to alleged misappropriation of NTR Bharosa Pension amounts. These writ petitions relate thereto. The petitioner in W.P.No.16111 of 2018 is a Junior Assistant who was subjected to such suspension. Aggrieved thereby, he filed O.A.No.256 of 2018 before the Andhra Pradesh Administrative Tribunal, Hyderabad (*hereinafter*, 'the Tribunal'). The first respondent in W.P.No.30880 of 2018, a Senior Assistant, was also subjected to similar suspension from service and he filed O.A.No.254 of 2018 before the Tribunal. By common order dated 04.04.2018, the Tribunal opined that the applicant in O.A.No.254 of 2018 was entitled to claim reinstatement into service pending the disciplinary proceedings but not the applicant in O.A.No.256 of 2018. Aggrieved by the denial of relief to him, the applicant in O.A.No.256 of 2018 filed W.P.No.16111 of 2018 while aggrieved by the grant of relief to the applicant in O.A.No.254 of 2018, the authorities preferred W.P.No.30880 of 2018.

Learned Government Pleader for Services, State of Andhra Pradesh, would inform this Court that charges have now been framed and that the enquiry is yet to commence.

As it appears that the suspension from service was effected as long back as in December, 2017 and a year has elapsed since then, we are of the

opinion that it would be sufficient if the suspended employees are reinstated into service and posted at other locations so that there is no possibility of their tampering with the witnesses in the course of enquiry. There would be no purpose served in keeping them out of service while paying them subsistence allowance despite lapse of over a year since their suspension from service. This order, in our considered opinion, would balance the conflicting interests and be in the interest of justice.

The writ petitions are accordingly disposed of with the aforestated direction. Pending miscellaneous petitions, if any, in both cases shall stand closed in the light of this final order. No order as to costs.



SANJAY KUMAR, J

M. GANGA RAO, J

17th DECEMBER, 2018

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