

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.33786 OF 2018

Dated:20.09.2018

Between:

Syed Suhail Ahmed, S/o. Mukthar,
Aged 48 years, Office Superintendent
O/o. The Director, Department of AYUSH,
Telangana State, Hyderabad, R/o. Hyderabad
(Now under Suspension) .. Petitioner

And

The Direct of AYUSH, Telangana
State, Hyderabad and another .. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.33786 OF 2018****ORDER:**

Heard.

2. Petitioner was working as Superintendent in the 1st respondent - Department. On a complaint filed by his wife, petitioner was arrested and was in custody for more than 48 hours in connection with Crime No.212 of 2018 under Sections 498-A and 377 I.P.C. and Sections 3 and 4 of Dowry Prohibition Act, registered in Balapur Police Station, Ranga Reddy District. In view of his arrest and detention for more than 48 hours, formal order of suspension was passed on 20.08.2018, which is under challenge in the present Writ Petition.

3. By placing reliance on the decision of the Division Bench of this Court in **P. Rajender v. Union of India**¹, learned counsel for the petitioner would contend that as the offence against which crime was registered is outside the scope of employment and more particularly as this particular case relates to the offence under Section 498-A and suspension is not warranted, respondents ought not to have suspended the petitioner.

4. It is true that in view of the law laid down by the Division Bench of this Court in **P. Rajender**, an employee need not be placed under suspension for a private offence, more particularly for the offence under Section 498-A I.P.C.

¹ 2001 (5) ALD 290 (DB)

5. However, in the case on hand, petitioner was in custody for more than 48 hours. According to Rule 8 (2) (a) of the Telangana Civil Service (Classification, Control and Appeal) Rules, 1991 (for short, 'the Rules'), an employee shall be deemed to be under suspension as if an order is passed by the competent authority from the date of arrest, if such detention is continued beyond 48 hours. Thus, no formal order of suspension is required to be passed and employee's suspension automatically comes into force from the time of detention, if that detention is beyond 48 hours. According to Rule 8 (5) of the Rules, unless suspension is reviewed or revoked, employee shall continue under suspension.

6. The Writ Petition is disposed of granting liberty to the petitioner to make a representation to review the suspension and as and when such representation is made to the Director, Department of AYUSH, he shall consider the request of the petitioner for revocation of suspension duly taking note of the decision of the Division Bench of this Court in **P. Rajender** and pass appropriate orders within two weeks from the date of receipt of such representation. Pending miscellaneous petitions shall stand closed.

P. NAVEEN RAO, J

Date:20.09.2018

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