

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.34765 OF 2018

ORDER

This writ petition is filed seeking to issue a writ of Mandamus declaring the suspension order dated 5.7.2017 issued by the 2nd respondent, without issuing charge memo, as arbitrary and illegal and consequently to direct the respondents to reinstate the petitioner into service as Field Assistant.

Heard Sri Srinivas Ambati, learned counsel appearing for the petitioner, learned Government Pleader for Panchayat Raj and Rural Development appearing for respondent No.1 and Sri M.S.R.Chandra Murthy, learned Standing Counsel for MGNREGS appearing for respondents 2 and 3.

It is the case of the petitioner that he was appointed as Field Assistant in Kottugummada Gram Panchayat, Veeragattam Mandal, Srikakulam District, in the year 2010. While so, the 2nd respondent *vide* proceedings dated 5.7.2017 placed him under suspension, without issuing charge memo, alleging that he was negligent in his duties. Thereafter, the respondents have not initiated any disciplinary proceedings against the petitioner. Hence, the present writ petition is filed.

Learned counsel appearing for the petitioner contends that a similar issue fell for consideration before this Court in W.P.No.24619 of 2018. This Court *vide* order dated 19.07.2018 disposed of the said writ petition and the operative portion of the order reads as under:

“Having regard to the said submission, the writ petition is disposed of directing the Project Director (2nd respondent) to finalize the disciplinary proceedings within a period of two (2) weeks from the date of receipt of copy of this order. Having regard to the fact that petitioner is under suspension for more than year, if the disciplinary proceedings are not finalized within the time granted, petitioner shall be reinstated.”

Learned Standing Counsel appearing for respondents 2 and 3 submits that enquiry is almost over and atleast four weeks may be granted to pass appropriate final orders.

Having regard to the said submission, this Court is of the considered view that ends of justice would be met if a direction is given to the 2nd respondent to finalize the disciplinary proceedings.

Accordingly, the Writ Petition is disposed of directing the 2nd respondent to finalize the disciplinary proceedings within a period of four weeks from the date of receipt of a copy of this order. If the disciplinary proceedings are not finalized within the stipulated time, the petitioner shall be

reinstated into service with all consequential benefits. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

1st October, 2018
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