

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.4270 OF 2002

ORDER:

1. This writ petition is filed seeking to issue a writ of Mandamus declaring G.O.Rt.No.159 Education (SE-SER.I) Department, dated 5.3.2001, as illegal and without jurisdiction.
2. Heard Sri M.V. Durga Prasad, learned Counsel for the petitioner and the learned Government Pleader for Education.
3. It has been contended by the learned Counsel for the petitioner that the petitioner was placed under suspension vide G.O.Rt.No.159, Education (SE-SER.I) Department, dated 5.3.2001 pending disciplinary proceedings, and the said action is arbitrary and violative of Articles 14 and 16 of the Constitution of India.
4. The learned Government Pleader for Education has contended that in contemplation of disciplinary proceedings, the petitioner was placed under suspension as it had come to the notice of the Government that grave irregularities had taken place in the residential school for girls in Nagireddygudem. The learned Government Pleader further contended that placing an employee under suspension till conclusion of the disciplinary proceedings is not a punishment.

5. The learned Counsel for the petitioner could not demonstrate that the petitioner was placed under suspension illegally and arbitrarily.

6. Having considered the rival submissions made by the parties, this Court is of the view that pending disciplinary proceedings, an employee can be placed under suspension and that the suspension is not a cessation of service and it is only suspension pending enquiry. No prejudice would be caused to the petitioner, if he is placed under suspension pending enquiry. I do not find any reasons to interfere with the G.O. impugned.

7. Accordingly, the Writ Petition is dismissed. No costs. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

(ABHINAND KUMAR SHAVILI, J)

Dated: 23rd July, 2018
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Dated: 23.7.2018

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