

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.826 OF 2019

ORDER:

When the writ petition is taken up for hearing, it has been contended by the learned counsel for the petitioner that by an incompetent authority, the petitioner was placed under suspension vide proceedings dated 24.12.2018. Learned counsel further contended that the impugned order suffers from lack of jurisdiction and is without competence.

The learned Government Pleader, on instructions, submitted that the petitioner was placed under suspension by the District Collector for the alleged unauthorized absence and, thereafter, the District Collector has sought ratification of the said suspension orders. Learned Government Pleader also submitted that vide orders dated 24.01.2019, the Director of Public Health & Family Welfare, Telangana has ratified the action of the District Collector in placing the petitioner under suspension and that a charge memo was also issued to the petitioner on 14.01.2019 and disciplinary proceedings would be initiated against the petitioner in accordance with law. The contention of the petitioner that she was placed under suspension by incompetent authority does not exist, as the competent authority has ratified the suspension orders issued by the District Collector and, therefore, there are no merits in the writ petition and the writ petition is liable to be dismissed.

This Court, having considered the rival submissions of the learned counsel for respective parties, is of the considered view that the purpose of placing the petitioner under suspension would not serve anybody's purpose. An employee can be placed under suspension on one of the following grounds i.e., (1) in the public interest (2) where there is a threat

of the employee tinkering and tampering the record and (3) where there is a threat of the employee influencing the witnesses. In the instant case, since the respondents have already issued a charge memo vide proceedings dated 14.01.2019, the purpose of placing the petitioner under suspension would not serve anybody's purpose. Apart from that, there is no contention that if the petitioner is reinstated into service, she would influence the witnesses and that she would tinker and tamper the official records. The only allegation made against the petitioner by the respondents is that she was unauthorisedly absent for a period of ten days. This Court is of the considered view that placing the petitioner under suspension would not serve anybody's purpose. As the petitioner is a qualified medical doctor and if she is reinstated into service, she would discharge her duties in attending the patients. Therefore, this Court is of the considered view that the suspension orders, dated 24.12.2018, are liable to be set aside.

Accordingly, the writ petition is allowed setting aside the suspension orders dated 24.12.2018. However, the respondents are given liberty to initiate the disciplinary proceedings against the petitioner and pass appropriate orders therein in accordance with law.

Consequently, miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

28th January, 2019
v v