

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.1261 of 2019

ORDER:

This writ petition is filed seeking a Writ of Mandamus declaring the action of respondents in continuing the petitioner under suspension since more than two years and not conducting a single review vide proceedings dated 05.08.2016 as illegal, arbitrary and flouting the instructions contained in G.O.Ms.No.86, dated 08.03.1994 read with G.O.Ms.No.526, dated 19.08.2008 and as such, the impugned order is liable to be set aside and consequently sought a direction to the respondents to reinstate the petitioner into service with all consequential benefits without reference to the pending disciplinary proceedings relating to ACB case.

Heard Mr.A.Radha Krishna, learned counsel for petitioner and the learned Government Pleader for Services-III.

It has been contended by the petitioner that he was working as Town Planning Supervisor and while discharging his duties, the respondents have placed the petitioner under suspension vide proceedings dated 05.08.2016 on the allegation of accepting bribe.

The grievance of petitioner is that though suspension order is liable to be reviewed in terms of G.O.Ms.No.86, dated 08.03.1994 read with G.O.Ms.No.526, dated 19.08.2008 for every six months, in the instant case, the respondents have not reviewed the suspension order of the petitioner. Therefore, contended that appropriate orders be passed in the writ petition directing the respondents to

review the suspension order in terms of G.O.Ms.No.86, dated 08.03.1994 read with G.O.Ms.No.526, dated 19.08.2008.

Learned Government Pleader appearing for respondents contended that the case of the petitioner will be reviewed and appropriate orders would be passed in accordance with law.

This Court, having considered the rival submissions, is of the considered view that the writ petition can be disposed of directing the petitioner to submit a fresh representation to the respondents within a period of two weeks from the date of receipt of a copy of this order. Upon such representation being received, the respondents shall review the suspension order and pass appropriate orders in accordance with law within four weeks thereafter.

With the above observations, the writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 25-01-2019
Prv

