

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.1599 OF 2019

ORDER:

This writ petition is filed seeking a writ of mandamus to declare the action of the 3rd respondent in issuing the charge sheet and suspension order dated 27.12.2018, without properly verifying the records as illegal, arbitrary and against the principles of natural justice and sought for a consequential direction to set aside the same.

Heard Sri G.Rajesh, learned counsel for the petitioner and Sri B.Mayur Reddy, learned Standing counsel for respondents.

It has been contended by the petitioner that he was appointed as driver in the respondent corporation and while he was performing his duties on 09.12.2018, at the security point, he was checked by a constable with breathe analyzer wherein it was shown as “0mg/100ml” and the said test record was signed by the petitioner. But the 3rd respondent issued a charge memo-cum-suspension orders vide proceedings dated 27.12.2018. In pursuance to said suspension order, petitioner filed detailed explanation on 02.01.2019. In pursuance to the said explanation, the respondents have not passed any orders so far. Challenging the charge sheet-cum-suspension order dated 27.12.2018, the present writ petition is filed.

Learned counsel for the petitioner submits that appropriate orders be passed in the writ petition directing the respondents to revoke the suspension orders by duly taking into account the explanation submitted by the petitioner.

Learned Standing counsel appearing for the respondents submits that suspension pending enquiry is not a punishment and that the respondents have every right to place the petitioner under suspension and also to initiate disciplinary action against the alleged misconduct of the petitioner. He further submits that this Court normally would not interfere with the suspension orders and that there are no merits in the writ petition and the same is liable to be dismissed.

This Court, having considered the rival submissions of both the parties, is of the considered view that the petitioner has no right to challenge the suspension order pending enquiry. It is for the employer who has every right to place the petitioner under suspension and also initiate disciplinary action against him. Therefore, this Court is not inclined to interfere with the suspension order. However, respondents shall conclude the disciplinary proceedings initiated against the petitioner within a period of three months from the date of receipt of copy of this order.

With the above observations, the writ petition is disposed of. There shall be no order as to costs.

Pending miscellaneous applications, if any, shall stand closed in consequence.

ABHINAND KUMAR SHAVILI,J

Date: 30.01.2019
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