

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.2312 of 2019

ORDER :

This writ petition is filed seeking Writ of Mandamus to declare the action of respondent No.3 suspending the petitioner from service vide proceedings No.CPCH/E2/10215-20/2018, dated 04.08.2018, as arbitrary, illegal, violative of the principles of natural justice and also violative of Articles 14 and 21 of the Constitution of India, and consequently sought a direction to respondent No.3 to reinstate the petitioner into service forthwith by setting aside the suspension proceedings dated 04.08.2018 issued by respondent No.3.

The petitioner was appointed as a Warder on 06.03.2012 in Central Prison, Ongole, and subsequently transferred to the Central Prison, Cherlapalli, in the year 2014. While so, respondent No.3 has placed the petitioner under suspension vide proceedings No.CPCH/E2/10215-20/2018, dated 04.08.2018, on the ground that the petitioner had illegally demanded money from one of the convicts. The petitioner submits that he has not committed any illegality and, therefore, the question of placing him under suspension is arbitrary and illegal.

Heard Sri J.P. Srikanth, learned counsel for the petitioner and the learned Special Government Pleader for Services.

Learned counsel for the petitioner contends that though six months have elapsed after suspending the petitioner from service, the respondents are not reviewing the said suspension order in terms of G.O.Ms.No.86, dated 08.03.1994. Learned counsel for the petitioner, therefore, contends that appropriate orders be passed in the writ petition directing the respondents to review the impugned suspension order dated 04.08.2018 issued against him in terms of G.O.Ms.No.86, dated 08.03.1994.

On the other hand, the learned Special Government Pleader for Services contends that the case of the petitioner will be considered and appropriate orders would be passed in terms of G.O.Ms.No.86, dated 08.03.1994.

This Court, having considered the rival submissions of the learned counsel for the respective parties, is of the considered view that this writ petition can be disposed of directing respondent No.3 to consider the case of the petitioner for reviewing the impugned suspension order dated 04.08.2018 issued against him in terms of G.O.Ms.No.86, dated 08.03.1994, and pass appropriate orders in accordance with law within a period of six (6) weeks from the date of receipt of a copy of this order.

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

As a sequel, miscellaneous petitions pending, if any, in this writ petition shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

19.02.2019.
Msr



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