

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.2349 of 2018

ORDER:

This Writ Petition is filed for the following relief:

“.....Writ of Mandamus under Article 226 of the Constitution of India, declaring the Proceedings Roc.No.4599/2015/C1 dated 31.08.2015 issued by 1st respondent as arbitrary, illegal, discriminatory, unconstitutional, malafide, void and without jurisdiction and ultravires to GO.Ms.No.17 MA & UD Department Dated 16.01.2013, and contrary to GO.Ms.No.526 General Administration [Services-C] Department dated 19.08.2018 and set aside the same, and issue consequential directions, directing the respondents to reinstate the petitioner into service forthwith in terms of GO.Ms.No.526 General Administration dated 19.08.2018, on par with similarly situated employees with all consequential benefits and pass such other.....”

Heard Sri D.A.Premchand, learned counsel for the petitioner and the learned Government Pleader for Services-III.

It has been contended by the petitioner that he is working as Public Health Worker and Incharge Bill Collector with the respondents. While the petitioner was discharging his duties, the respondents have placed him under suspension vide proceedings dated 31.08.2015 on the alleged ground that petitioner along with several other Bill Collectors misappropriated the funds of Municipality. The grievance of the petitioner is that thereafter, the respondents have not initiated further action against the petitioner whereas the other similarly

situated persons who are placed under suspension were already reinstated into service.

Learned counsel for the petitioner contends that appropriate orders be passed in the writ petition directing the respondents to review the impugned suspension order dated 31.08.2018 in accordance with G.O.Ms.No.86 dated 08.03.1994.

Learned Government Pleader appearing for respondents contends that the case of the petitioner would be considered and impugned suspension order dated 31.08.2018 would be reviewed in terms of G.O.Ms.No.86 dated 08.03.1994 and appropriate orders would be passed.

This Court, having considered the rival submissions made by the learned counsel on either side, is of the considered view that this Writ Petition can be disposed of directing the respondents to review the impugned suspension order dated 31.08.2018 strictly in terms of G.O.Ms.No.86 dated 08.03.1994 and pass appropriate orders within a period of four (04) weeks from the date of receipt of copy of this order.

With the above observations, the Writ Petition is disposed of. No order as to costs.

As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

20.06.2019
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