

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.3672 of 2019

ORDER:

This writ petition is filed seeking the following relief :-

“.... to issue a Writ, order or direction, more particularly one in the nature of a Writ of Mandamus declaring the action of second respondent in placing the petitioner under suspension vide proceedings in Rc.No.6810/ 2018-Vig.1 dated 13.04.2018 even after six months of review as arbitrary, illegal and against the principles of natural justice and set aside the same and consequently direct the respondents to reinstate the petitioner into service with all consequential benefits as the enquiry is completed and the disciplinary proceedings are with the disciplinary authority i.e., second respondent”.

Heard Mr.N.Kumar Dev, learned counsel for petitioner and the learned Government Pleader for Services-I.

It has been contended by the petitioner that he is working as Forest Range Officer and the respondents have placed him under suspension on 13.04.2018 alleging certain irregularities. He further submits that the enquiry initiated against him was concluded on 23.11.2018 and in spite of the same, the respondents are not reviewing the suspension order strictly in terms of G.O.Ms.No.86, dated 08.03.1994.

Learned counsel for petitioner contended that appropriate orders be passed in the writ petition directing the respondents to review the suspension order strictly in terms of G.O.Ms.No.86, dated 08.03.1994.

Learned Government Pleader appearing for respondents has contended that the enquiry was closed on 23.11.2018 without examining the prosecution witnesses that necessitated the respondents to re-open enquiry in terms of Rule 21 of APCS (CCA) Rules, 1991 and the next hearing of the enquiry is stated to be held

on 19.03.2019 and the case of the petitioner would be reviewed strictly in terms of G.O.Ms.No.86, dated 08.03.1994 and appropriate orders would be passed by the respondents.

This Court, having considered the rival submissions, is of the considered view that this writ petition can be disposed of directing the respondents to review the suspension order of the petitioner strictly in terms of G.O.Ms.No.86, dated 08.03.1994 and pass appropriate orders within a period of six 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.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

Date: 14-03-2019
Prv



