

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.6086 of 2019

ORDER:

With the consent of both the counsel, the writ petition is disposed of at the admission stage.

This writ petition is filed seeking the following relief :-

“....to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the impugned Proc.No.A1/ 30/ 2019-2, dated 16-3-2019 issued by the 1st respondent as being illegal, arbitrary, unjust, unwarranted and uncalled for and violative of Articles 14, 16 and 21 of the Constitution of India and consequently set aside the said orders and hold that the petitioner is entitled for reinstatement to duty as S.G.Teacher with all consequential and attendant benefits”.

Heard Mr.D.Balakishan Rao, learned counsel for petitioner and the learned Government Pleader for Services-II.

It has been contended by the petitioner that she is working as Deputy Hostel Welfare Officer in Ashram High School, Devapur, Kasipet Mandal, Mancherial District, and while discharging her duties, the 1st respondent has placed the petitioner under suspension vide proceedings dated 16.03.2019 on the alleged ground that two of the girls of Institution were found missing on 09.03.2019. Challenging the same, the petitioner has filed the present writ petition.

Learned counsel appearing for petitioner submits that the respondents have issued show-cause notice as to why disciplinary action should not be initiated against the petitioner and directed the petitioner to submit explanation vide proceedings dated 10.03.2019. The petitioner has submitted explanation to the said show-cause notice, but the 1st respondent without taking into account the explanation submitted by the petitioner has

mechanically placed the petitioner under suspension. Therefore, the impugned order is liable to be set aside.

Learned Government Pleader appearing for respondents has submitted that since girls of the residential institution went missing on 09.03.2019, the 1st respondent had rightly placed the petitioner under suspension and the disciplinary action would be initiated in accordance with law.

This Court, having considered the rival submissions, is of the view that it is the prerogative of the disciplinary authority to place an employee under suspension in exercise of its power and Rules and an employee can be placed under suspension in the public interest and to ensure that the employee does not tinker and tamper the evidence and does not infringe the witnesses. Admittedly, the allegation levelled against the petitioner is that two girls went missing from the Institution and unless and until the same is enquired, the real facts will not be known. However, there is a right of appeal provided under the Rules against the suspension order.

Therefore, without expressing any opinion on the merits of the case, the petitioner is directed to prefer an appeal within one week from the date of receipt of a copy of this order. Upon such appeal being preferred, the appellate authority shall consider the same and pass appropriate orders within two 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 SHAVIL, J

Date: 27-03-2019
Prv

