

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.6460 of 2019

ORDER:

This Writ Petition is filed seeking a Writ of Mandamus declaring the impugned suspension orders dated 23-03-2019 of the 1st respondent as arbitrary, illegal, unwarranted and opposed to the principles of natural justice and set aside the same and further declare that the petitioner is entitled for reinstatement to duty as School Assistant with all consequential and attendant benefits.

2. Heard Sri D.Balakishan Rao, learned counsel for the petitioner and learned Government Pleader for Services-I appearing for the respondents.

3. Petitioner contends that he is working as School Assistant (Mathematics). While he was discharging his duties at Z.P.S.S., Kakarla, Julurpad Mandal, Bhadradi Kothagudem District to the best satisfaction of his superiors and every one concerned, 1st respondent has placed him under suspension vide impugned proceedings on the alleged ground that he had participated in political activities. He further contends that the petitioner was issued charge sheet to that effect. He has submitted detailed explanation denying the charges and thereafter, enquiry officer was appointed to enquire into the allegations levelled against him. But however, without conducting any enquiry, merely based on a complaint given by one Sri A.Ramulu, straight away, 1st respondent mechanically

placed him under suspension. He further contends that as he is working as a teacher and the schools for the academic year 2019-20 also have commenced, at this stage, placing him under suspension would not serve any purpose. Further, since he has already submitted his explanation to the charge sheet, now the question of tinkering and tampering the evidence also would not arise. Therefore, in the interest of justice, appropriate orders be passed in the Writ Petition directing the respondents to reinstate into service as School Assistant.

4. Learned Government Pleader for Services-I submits that charges levelled against the petitioner are that he has participated in the political activities and being a Government Servant, one is not expected to participate in such activities and since the petitioner has participated in political activities, he has violated the Conduct Rules and that is the reason why the disciplinary authority has placed him under suspension and issued charge sheet and enquiry is pending against the petitioner.

5. Having regard to the rival submissions made by the parties, this Court is of the considered view that the petitioner was placed under suspension on 23-03-2019 and almost for the period of three months, he is being continued under suspension. Moreover, since the petitioner is a teacher and the schools are reopened for the academic year 2019-20, no useful purpose will be served, if he is being continued under suspension. Further, as the petitioner has

already submitted his explanation to the charge memo, the question of tinkering or tampering the evidence also would not arise. Therefore, the respondents are directed to reinstate the petitioner into service forthwith.

6. With these observations, the Writ Petition is disposed of. No costs.

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

Date: 14-06-2019
kvr

JUSTICE ABHINAND KUMAR SHAVILI

