

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.9142 of 2019

ORDER:

This Writ Petition is being disposed of at the admission stage with the consent of both the parties.

2. This Writ Petition is filed seeking a Writ of Mandamus declaring the action of the respondents in suspending the petitioner without any proper inquiry and not supplying a copy of enquiry report as illegal, arbitrary and against the principles of natural justice.

3. Heard Sri D.V. Sai Vardhan, learned counsel for the petitioner, and the learned Government Pleader for Cooperation, appearing for the respondents.

4. The petitioner contends that he is working as C.E.O., of Primary Agriculture Cooperative Society Limited, Kalakodima of Thallada Mandal, Khammam District. The petitioner is discharging his duties to the best satisfaction of his superiors and everyone concerned. He further contends that he was placed under suspension by proceedings dated 09-04-2019 on the ground that he had indulged in certain irregularities. He further contends that no enquiry report is furnished to him before placing him under suspension. The principal grievance of the petitioner is that though the respondents have placed him under suspension, they are not paying subsistence allowance.

Therefore, he contends that placing the employee under suspension without paying the subsistence allowance is arbitrary, illegal and therefore, the impugned proceedings are liable to set aside.

5. Learned Government Pleader for Cooperation appearing for the respondents contends that several irregularities were noted against the petitioner and therefore, the petitioner was placed under suspension pending enquiry. Whenever an employee is placed under suspension pending enquiry, the Courts would not normally interfere with the suspension order. He further submits that the petitioner would be paid subsistence allowance in accordance with Rules.

6. Accordingly, the Writ Petition is disposed of directing the respondents to pay subsistence allowance to the petitioner and also conclude the disciplinary proceedings initiated against the petitioner within a period of six weeks from the date of receipt of a copy of this order. It is needless to say that if the respondents fail to complete disciplinary action against the petitioner, he is entitled for reinstatement. No costs.

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

JUSTICE ABHINAND KUMAR SHAVILI

Date: 30-04-2019
kvr