

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.14935 of 2019

ORDER:

This writ petition is filed seeking the following relief :-

“ to issue a Writ, order or direction more in the nature Writ of Mandamus declaring the action of the respondent in not reviewing the orders of Suspension in Proceedings No.MR-122/ 388/ 79/ Estt.III, dt.11.07.2016 after lapse of 3½ years without finalizing the Departmental Proceedings after issuing Articles of Charge in No.MR-88/ 175/ 88/ Estt.I, dt.11.05.2018 is illegal and arbitrary and violates Articles 14, 16, 19 and 21 of the Constitution of India and consequently direct the respondent to reinstate the petitioner into service and finalize the Departmental Proceedings before retirement of the petitioner to enable the petitioner to receive pension and retirement benefits”

Heard Mr.P.V.Ramana, learned counsel for petitioner and Sri Ch.Jagannatha Rao, the learned Standing counsel for respondents.

It has been contended by the petitioner that he was initially appointed as Care Taker on 25.09.1985 and thereafter, he was promoted to the post of Senior Assistant on 01.04.2012 and since then, he has been discharging his duties to the best satisfaction of his superiors and every one concerned. The petitioner submits that he was falsely implicated in a criminal case on 25.02.2016 alleging that he was involved in malpractice in examination and he was sent to judicial custody on 26.02.2016 in connection with Cr.No.77 of 2016. Since the petitioner was detained for more than 48 hours, he was placed under suspension vide proceedings dated 26.02.2016. In spite of lapse of more than three years, the respondents are not reviewing the suspension orders. The respondents have issued charge memo on 11.05.2018 and the petitioner has submitted explanation to the said charge memo. But, so far, the respondents are not finalizing the disciplinary proceedings initiated against the

petitioner. The petitioner submits that he is going to retire on 31.08.2019.

Learned counsel for the petitioner submits that let the respondents review the suspension orders in accordance with Rules and finalize the disciplinary proceedings initiated against the petitioner within a reasonable period of time, so as to enable the petitioner to receive pension and terminal benefits after retirement.

The learned Standing Counsel appearing for respondents submits that the case of the petitioner could not be finalized because of pendency of criminal case. So far as suspension and disciplinary proceedings initiated against the petitioner is concerned, he submits that the suspension order of the petitioner would be reviewed in accordance with Rules and the disciplinary proceedings initiated against the petitioner will be concluded and appropriate orders would be passed within a period of four months.

This Court, having considered the rival submissions of the learned counsel for the respective parties, is of the considered view that this writ petition can be disposed of directing the respondents to review the suspension order of the petitioner and finalize the disciplinary proceedings initiated against the petitioner and pass appropriate orders in accordance with Rules within a period of four months 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: 26-07-2019
Prv

