

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.20206 OF 2019

Date: 18.09.2019

Between:

Kondabathini Ashok S/o.Durjhati,
Aged 56 yrs, Occu : Office Superintendent,
O/O.District Medical & Health Office,
Jangaon District.

.....Petitioner

And

The State of Telangana,
Rep., by Principal Secretary,
Medical & Health Department,
Secretariat, Hyderabad & others.

.....Respondents



The Court made the following:

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Medical & Health for respondents.

2. Petitioner is aggrieved by the order of Director of Public Health & Family Welfare dated 22.08.2019 in placing him under suspension.

3. A reading of the impugned order would show that it was alleged that petitioner consumed alcohol and involved in a drunk and drive offence on 05.01.2019. It is also alleged that petitioner was absent from duty on 05.01.2019 but affixed his signature in the attendance register.

4. Learned counsel for the petitioner sought to contend that the issue of drunk & drive arose only in late hours of the day and therefore, it was after office hours.

5. The contention of learned counsel for the petitioner that the incident occurred after office hours and therefore it cannot be the concern of the employer cannot be appreciated. More so, at this stage. The conduct of an employee outside the employment is also a fact for consideration in assessing the conduct of the employee.

6. Be that as it may, as noted above, it was also alleged that petitioner was absented from duty but signed in the attendance register. It is not in dispute that the Director is competent to place the petitioner under suspension.

7. A reading of the order itself would show that there is proper application of mind and on prima-facie finding that there is material against the petitioner, he was placed under suspension. I therefore, do not see any error in the decision arrived at by the Director-2nd respondent warranting interference by this Court.

8. Further, against the order of Director, remedy of appeal is available and without availing the said remedy, this writ petition is filed. Accordingly, the Writ Petition is dismissed leaving it open to the petitioner to avail remedy of appeal, if so advised. Pending miscellaneous petitions, if any, shall stand closed.

18th September, 2019
Rds

P.NAVEEN RAO, J

