

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 21814 of 2019

Date : 1.10.2019

Between:

Dongala narsimulu S/o Dongala Narayana

Aged 30 years, Occ: Artison Gr-II (TSSPDCL)

R/o Laxmidevipally village, Siddipet mandal and district

Petitioner

And

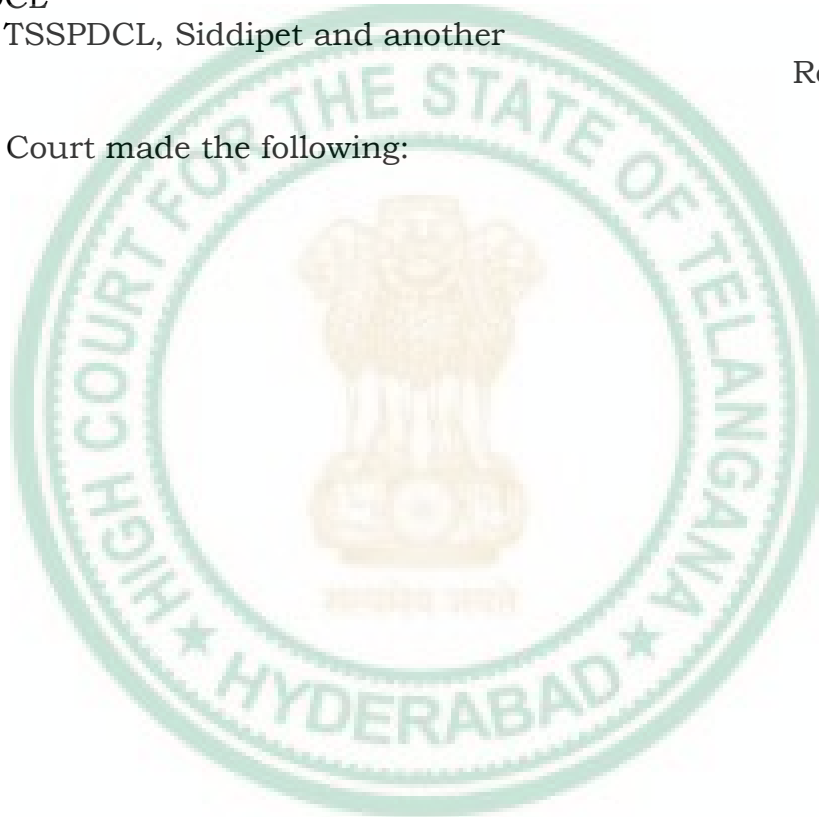
The Divisional Engineer,

SPDCL

Op. TSSPDCL, Siddipet and another

Respondents

The Court made the following:



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ORAL ORDER:

Heard learned counsel for petitioner and learned standing counsel for respondents.

2. Petitioner is working as Artisan Grade-II in the respondent company. He was arrested on 27.4.2019 in connection with Crime No. 105/2019 registered under Sections 302, 201, 120(B) read with 109 IPC of Siddipet Rural police station and was in custody for 30 days. Having come to know about involvement of petitioner in above crime and he being in custody for more than 48 hours, by order impugned, he was placed under suspension from the date he was absconding from duties i.e., 17.4.2019.

3. According to learned counsel for petitioner, order of suspension is vitiated on the ground that no prior notice or opportunity was afforded to him to explain the reasons for his illegal implication in the criminal case and his absence from duties. He further submits that crime was registered and investigation is in progress and what is alleged in the order of suspension is purely outside his employment, therefore, there is no requirement to place him under suspension. He further contends that simultaneous proceedings are not maintainable in view of law laid down by Supreme Court in **G.M.Tank Vs State of Gujarat and others**¹.

¹ (2006) 5 SCC 446

4. The issue for consideration in this writ petition is 'whether suspension is valid on the above stated grounds'?

5. It is not in dispute that Divisional Engineer-Electrical is competent to place the petitioner under suspension. Further, according to Regulation 11 (b) of A.P. State Electricity Board Employees Discipline and Appeal Regulations, which govern the employment in the respondent company, an employee is deemed to be under suspension from the date of his detention, if he is detained for more than 48 hours. Admittedly, petitioner was in custody for 30 days. Once the period of custody exceeds 48 hours, it is deemed that employee would be under suspension, therefore, by the order dated 21.6.2019 what is emphasized is giving effect to the regulation placing the employee under suspension from the date of his detention. Further more, as seen from the order, petitioner was absconding from 17.4.2019 and did not report to duty till the order was passed. Thus, even on that ground, it is permissible for the employer to take disciplinary action including placing petitioner under suspension. From the reading of the order, it is clear that there is application of mind and on due consideration disciplinary authority passed order placing petitioner under suspension. The ratio laid down in **G.M.Tank** has no application to the facts of this case. I do not see any illegality in the impugned order warranting interference. Accordingly, writ petition is dismissed. Miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE: 1-10-2019
TVK

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