

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.27406 of 2019

ORDER:

This writ petition is disposed of at the stage of admission with the consent of learned counsel for the respective parties.

This writ petition is filed seeking the following relief :-

“....to issue a Writ of Mandamus or any other appropriate Writ or Order or Direction declaring the Order dated 14/ 11/ 2019 in Proc.No.A/ Esst/ 038/ 2019 on the file of the 2nd Respondent as illegal, arbitrary and without jurisdiction.....”.

Heard Mr.N.Sreedhar Reddy, learned counsel for petitioner and the learned Government Pleader for the respondents.

It has been contended by the petitioner that he is working as a Junior Assistant with the 3rd respondent Corporation. As per the Service Rules of the 3rd respondent, the Divisional Manager is the competent authority to place him under suspension but not the 2nd respondent. However, the 2nd respondent vide proceedings dated 14.11.2019 placed him under suspension.

Learned counsel for the petitioner contends that the 2nd respondent is not the competent authority to place the petitioner under suspension and therefore, the impugned suspension order is liable to be set aside.

Learned Government Pleader, on oral instructions, submits that the 2nd respondent is not the competent authority to place the petitioner under suspension. Therefore, the competent authority would take disciplinary action against the petitioner in accordance with the Rules.

This Court, having considered the rival submissions made by the learned counsel for the respective parties, is of the considered view that since the impugned suspension order dated 14.11.2019 is passed by the incompetent authority, the same is liable to be set aside and it is accordingly set aside. However, it is always open to the competent authority to initiate disciplinary action against the petitioner in accordance with the Rules.

With the above observations, the writ petition is allowed. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

Date: 11-12-2019
Prv



