

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.28735 of 2019

ORDER:

This writ petition is being disposed of at the admission stage with the consent of both parties.

This writ petition is filed seeking a Writ of Mandamus declaring the proceedings dated 29.06.2019 issued by the 1st respondent as arbitrary, illegal, discriminatory, violative of Articles 14, 16 and 21 of the Constitution of India as well as contrary to the principle of law laid down by the Honourable Supreme Court in the case of **K. Sukhendar Reddy v. State of Andhra Pradesh and another¹**, and also in the case of **Ajay Kumar Chowdhary v. Union of India through its Secretary and another²**, and set aside the same and sought a consequential direction to direct the respondents to forthwith reinstate the petitioner into service with all consequential benefits.

Heard Sri P.V. Krishnaiah, counsel for the petitioner, and Government Pleader for Services-III appearing for the respondents.

It has been contended by the petitioner that he has been working as Prohibition and Excise Sub-Inspector, Jadcherla, and on certain allegations, the respondents have placed him under suspension vide proceedings dated 29.06.2019 and thereafter not initiated any disciplinary proceedings nor reviewing the suspension orders in terms of G.O.Ms.No.86 dated 08.03.1994.

¹ 1999 Indlaw SC 1311 = 1999 (6) SCC 257

² 2015 Indlaw SC 179 = 2015 (7) SCC 291

Counsel for the petitioner has contended that the respondents have selectively placed the petitioner under suspension and let off the Excise Inspector, who was also involved in the incident, therefore, the impugned suspension orders are selective in nature. Counsel for the petitioner has relied upon the judgment of the Honourable Supreme Court in **K. Sukhendar Reddy's case** (1 supra) and contended that placing an employee under suspension by pick and choose while letting off other employees, who are also involved in the incident, is an arbitrary exercise, therefore, the impugned suspension orders are liable to be set aside. Counsel for the petitioner further contended that though more than three months have elapsed from the date of passing of the impugned suspension orders, the respondents have not completed the disciplinary proceedings and to that effect, the petitioner has relied upon the judgment of the Honourable Supreme Court in **Ajay Kumar Chowdhary's case** (2 supra). Therefore, counsel for the petitioner contended that appropriate orders be passed in the writ petition directing the respondents to review the suspension orders strictly in terms of the law laid down by the Honourable Supreme Court and also in terms of G.O.Ms.No.86 dated 08.03.1994.

Government Pleader appearing for the respondents had contended that since the period of six months elapsed from the date of passing the impugned suspension orders, the case of the petitioner would be considered and appropriate orders would be passed in accordance with G.O.Ms.No.86 dated 08.03.1994.

This Court, having considered the rival submissions of learned counsel for respective parties, is of the considered view that this writ petition can be disposed of directing the respondents to review the suspension orders of the petitioner strictly in terms of G.O.Ms.No.86 dated 08.03.1994 by duly taking into account the law laid down by the Honourable Supreme Court and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

30-12-2019
v v



