

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.33884 OF 2018

ORDER

This writ petition is filed seeking the following relief:

“to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the impugned order of extension of suspension order vide proceedings No.A/424/2017, dated 05.06.2017 as illegal, arbitrary, unjust and by revoking the suspension order by setting aside the order of suspension dated 25.11.2017 and declare the proceedings dated 05.06.2018 forthwith and pass such an order or orders as deem fit in the interest of justice.”

Heard Sri G.Praveen Kumar, learned counsel appearing for the petitioner and learned Government Pleader for Services-II appearing for the respondents.

It is the case of the petitioner that he was appointed as Night Watchman on 06.03.2006. Thereafter, he was promoted as Office Subordinate Staff on 01.06.2011 and as Junior Assistant on 03.09.2016 and is working as such. While so, he was placed under suspension *vide* proceedings dated 25.11.2017 for misbehaving and manhandling the 5th respondent before the other staff members.

The grievance of the petitioner is that after placing him under suspension, no further action has been initiated and the

respondents instead of reinstating him into service, declined to revoke the suspension order *vide* proceedings dated 5.6.2018.

Learned counsel appearing for the petitioner contends that though one and a half year has lapsed, the petitioner is being continued under suspension; that the respondents are not reviewing the suspension order in terms of G.O.Ms.No.86, dated 08.03.1994 and that appropriate orders be passed directing the respondents to review the suspension order passed by the disciplinary authority strictly in terms of G.O.Ms.86, dated 08.03.1994.

Learned Government Pleader appearing for the respondents submits that 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.

Having considered the rival submissions made by the learned counsel on either side, this Writ Petition is disposed of directing the respondents to consider the case of the petitioner and pass appropriate orders by reviewing the suspension order strictly in terms of G.O.Ms.No.86, dated 08.03.1994, within a period of six weeks from the date of receipt of a copy of this order. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

25th June, 2019
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