HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF DECEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO: 23626 OF 2020

Between:

E. Laxmi Prasad Rao, S/o. Laxman Rao, Aged 57 years, Occ - Asst. Geologist (FAC Asst. Director of Mines and Geology Bhadradri Kothagudem Dist) Flat No-101, Sai Mithra Raman, Classic Apartments Street No. 2, Tarnaka, Hyderabad - 500017

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Industries and Commerce Mines and Geology Govt. of Telangana, Hyderabad.
2. The Director, Mines and Geology, Government of Telangana, Hyderabad

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue Writ, order or direction more in the nature Writ of Mandamus, to declare the action of the respondents placing and continuing the petitioner under suspension indefinitely without sanctioning and paying the annual grade periodical increments from July 01-07-2019 and 01-07-2020 pursuant to Proc.No.231067/E/2019 dated: 02.02.2019 read with Memo No. 23106/E1/2019 dated 16-11-2019 further not reviewing and reinstating the petitioner into service on the ground of involvement RCO case in ACB without there being sanction of prosecution proceedings U/Sec.19 of the Prevention of Corruption Act, 1988 as being illegal, arbitrary, unjust, contrary to the orders issued by the Government vide G.O.Ms.No.86 General Administration (Ser.C) Department dt.08.03.1994 read with G.O.Ms.No.526 GAD dt.19.08.2008 and violation of Article 14 of the Constitution of India and for a consequential declaration that the petitioner is entitled to be reinstated into service along with sanction and release of annual grade periodical increments from July 01-07-2019 and 01-07-2020 with all consequential benefits incidental thereto in the interest of justice.

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents to review the suspension order issued in Proc.No.Proc.No.231067/E/2019 dated: 02.02.2019 read with Memo No. 23106/E/2019 dated 16-11-2019 by reinstating the petitioner into service duly granting and sanctioning the annual grade periodical increments from July 01-07-2019 and 01-07-2020 in terms of G.O.Ms.No.86 General Administration (Ser.C) Department dt.08.03.1994 read with G.O.Ms.No.526 GAD dt.19.08,2008, pending disposal of the above writ petition.

Counsel for the Petitioner: SRI D. LINGA RAO

Counsel for the Respondents: GP FOR SERVICES-II

The Court at the admission stage made the following: ORDER

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.23626 of 2020

ORDER:

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

This writ petition is filed seeking the following relief:

> "..... to declare the action of the respondents placing and continuing the petitioner under suspension indefinitely without sanctioning and paying the annual grade periodical increments from 01.07.2019 and 01.07.2020 pursuant to Proc.No.23106/E/2019 dated 02.02.2019 read with Memo No.23106/E/2019 dated 16112019 further not reviewing and reinstating the petitioner into service on the ground of involvement RCO case in ACB without there being sanction of prosecution proceedings U/Sec.19 of the Prevention of Corruption Act 1988 as being illegal, arbitrary, unjust, contrary to the orders issued by the Government vide G.O. Ms.No.86 General Administration (Ser.C) Department dt.08.03.1994 read with G.O.Ms.No.526 GAD dt.19.08.2008 and violation of Article 14 of the Constitution of India and for a consequential declaration that the petitioner is entitled to be reinstated into service alongwith sanction and release of annual grade periodical increments from 01.07.2019 and 01.07.2020 with all consequential benefits incidental thereto .....".

Heard Mr.D.Linga Rao, learned counsel appearing for the petitioner and the learned Government Pleader for Services-II appearing for the respondents.

It has been contended by the petitioner that he is working as a Assistant Geologist and the respondents have placed him under suspension vide proceedings dated 02/02/2019 on the alleged ground of involvement in ACB case.

The grievance of the petitioner is that though more than one and half years have lapsed, the respondents are not reviewing the said suspension order.

Therefore, learned counsel appearing for the petitioner contended that appropriate orders be passed in the writ petition directing the respondents to review the suspension order of the petitioner strictly in terms of G.O.Ms.No.86 dated 08.03.1994 and G.O.Ms.No.526 dated 19.08.2008 and pass appropriate orders in accordance with law.

Learned Government Pleader appearing for the respondents contended that the case of the petitioner would be reviewed and appropriate orders would be passed by the respondents in accordance with law.

This Court, having considered the rival submissions made by the parties, is of the considered view that this writ petition can be disposed of directing the respondents to review the suspension order of the petitioner strictly in terms of G.O.Ms.No.86, dated 08.03.1994 and G.O.Ms.No.526, dated 19.08.2008 and pass appropriate orders in accordance with law, within a reasonable period, preferably within a period of eight weeks from the date of receipt of a copy of this order.

With the above observations, this writ petition is disposed of. No costs.

Pending miscellaneous petitions, if any, shall stand closed.

SD/-K.SAILESHI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Industries and Commerce Mines and Geology, State of Telangana, Govt. of Telangana, Hyderabad.
2. The Director, Mines and Geology, Government of Telangana, Hyderabad
3. One CC to Sri. D. Linga Rao, Advocate [OPUC]
4. Two CCs to GP for Services-II, High Court for the State of Telangana. [OUT]
5. Two C.D. Copies

Prk

HIGH COURT

DATED:23/12/2020



ORDER

WP.No.23626 of 2020

Disposing of the WP.
without costs.

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7/1/21