

HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR

WRIT PETITION No. 39425 OF 2022

ORDER:

Heard learned counsel for the petitioner, learned Government Pleader for Services-III appearing for respondents.

2. This present writ petition is filed seeking issuance of writ of mandamus to declare the action of the respondent No.4 in placing the petitioner under suspension vide impugned Proceeding No.A1/699/2022, dated 04.10.2022 as illegal, arbitrary without any authority and jurisdiction and cannot be justified in the eye of law and consequently direct the respondent to reinstate the petitioner in to service with all consequential benefits.

3. Learned counsel for the petitioner submits that petitioner was appointed as Junior Assistant in the year 1987, subsequently got promotion to higher cadre from time to time and the petitioner was also in-charge Depot Manager in addition to regular District Civil Supply Officer.

4. Learned counsel for the petitioner submits that respondent authorities conducted physical verification of godown and stocks and found huge stocks are missing, subsequently respondent No.4 issued suspension proceedings vide Proc.No.A1/699/2022, dated 04.10.2022

under Sub-rule(1) of Rule-8 of T.S.Civil Services (CCA) Rules, 1991.

Aggrieved by the said suspension proceedings this writ petition is filed.

5. Learned Government Pleader for Services-III submits that the petitioner has the remedy of appeal against the proceedings issued by the respondent authorities and bring notice of this Court the Rules 33 of Telangana Appeal Rules, reads under:

Rule 33. Order against which appeal lies:(1) Subject to the provisions of Rule 32 a Government servant may prefer an appeal, as hereinafter provided against all or any of the following orders, namely :

(i) an order of suspension made or deemed to have been made under Rule 8;

(ii) an order imposing any of the penalties specified in Rule 9 or Rule 10 whether made by the disciplinary authority or by an appellate or revising, authority;

6. Learned Government Pleader for Services-III submits that instead of filing appeal before the appropriate authority the petitioner has preferred this writ petition, and further submits that this writ petition is not maintainable and liable to be dismissed.

7. At this stage, learned counsel for the petitioner pray this Court to give liberty to petitioner to file appeal before appropriate authority submitting all his grievances.

8. In view of the rival submission made by learned counsel for the petitioner and learned Government Pleader for Services-III, the present writ petition is disposed of, with a liberty to petitioner to file appeal before appropriate authority submitting all their grievances within a period of two (2) weeks from the date of receipt of copy of this order and appropriate authority thereafter is directed to dispose the petitioner's appeal by giving fair opportunity of hearing to the petitioner and pass appropriate order in accordance to law within a period of six (6) weeks from the date of receipt of said appeal and communicate the same to the petitioner.

9. Accordingly this writ petition is disposed of. Miscellaneous applications, if any pending, shall stand closed. No order as to costs.

JUSTICE N.V.SHRAVAN KUMAR

Date: 27.10.2022
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