

THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO.22390 OF 2009

Dated: 30.10.2009

Between:

K. Veerapu Reddy ... Petitioner

And

1. The Deputy Director (TW), ITDA,
Rampachodavaram, E.G. District.,
And another. .. Respondents

THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO.22390 OF 2009

ORDER:

The petitioner herein is working as a Deputy Warden, Ashram Girls High School, Tuni, East Godavari District under the control of Integrated Tribal Development Agency (ITDA). By order dated 20.08.2009 passed by the Project Officer, ITDA, Rampachodavaram, the petitioner was placed under suspension pending enquiry into the allegation that the petitioner being the Deputy Warden of the Hostel, failed to take the required care regarding health conditions of the boarders. The said order has been challenged in W.P.No.18262 of 2009 primarily on the ground that the Project Officer who passed the order was not competent. This Court while directing Rule Nisi, granted interim suspension of the said order.

Thereafter, a fresh order has been passed by the Deputy Director, Tribal Welfare, ITDA on 12.10.2009 placing the petitioner under suspension until conclusion of the disciplinary proceedings in exercise of powers conferred under Rule 8 (1) (a) of APCS (CCA) Rules, 1991.

Challenging the said order dated 12.10.2009, the present writ

petition is filed.

The only contention raised in this writ petition is that the impugned order of suspension which was based upon a news item telecasted in the electronic media highlighting an incident that occurred on 6.8.2009 in the hostel is wholly unwarranted and unjustified since the petitioner was in no way connected with the alleged incident. It is also contended that the allegation that the petitioner was negligent in performing the duties was absolutely false and without any basis as could be seen from the statements recorded by the Revenue Divisional Officer, Peddapuram during the preliminary enquiry.

Having heard the learned counsel for the petitioner and having perused the material on record, I do not find any justifiable reason to interfere with the impugned order of suspension. The law is well settled that by reason of an order of suspension pending enquiry an employee is temporarily debarred from his employment for the time being from performing his official functions and it is not a punishment. From the material on record, I am unable to hold that the impugned order of suspension was passed without application of mind to the relevant facts and attendant circumstances. So far as the correctness of the allegations upon which the proceedings are initiated, since the enquiry is pending, it is neither necessary nor proper for this Court to express any opinion. It is also not the case of the petitioner that the impugned order is bad for want of jurisdiction.

In the circumstances, the interference by this Court is not warranted at this stage on any ground whatsoever.

Accordingly, the Writ Petition is dismissed. No costs.

G. ROHINI,J.

Dt. 30.10.2009
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