



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3506]

**TUESDAY, THE TWENTY SECOND DAY OF APRIL
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SRI JUSTICE CHALLA GUNARANJAN

WRIT PETITION NO: 15505/2023

Between:

Mohammad Shanoor Khan

...PETITIONER

AND

The State Of Ap and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1.HARSHA VARDHANA RAO
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Counsel for the Respondent(S):

- 1.GP FOR SERVICES IV
- 2.K SREEDHARA MURTHY (SC for Municipalities and
Municipal Corporation services)
- 3.GP FOR SERVICES I
- 4.GP for Village and Ward Secretariats

The Court made the following ORDER:

Heard Sri Chandu Harshavardhana Rao, learned counsel
for petitioner, learned Assistant Government Pleader for
Services-I, appearing for respondents 1 to 3 and 5 and

Smt.Sireesha Rani Vallabhaneni, learned standing counsel, appearing for 4th respondent.

2. Limited grievance of the petitioner in the present writ petition is that petitioner was illegally placed under suspension pending enquiry, but, however, having reinstated him into service, under the guise of proposed departmental enquiry, he is not being extended the benefits such as seniority, promotion besides treatment of period of suspension to be on duty as arbitrary and illegal.

3. Petitioner while working as Ward Sanitation and Environment Secretary of Narsapuram Municipality, has been placed under suspension on certain allegations by proceedings dated 16.05.2023 pending enquiry. Later, he came to be reinstated into service on 25.10.2023 and is presently discharging duties as such. However, despite placing him under suspension pending enquiry, without issuing any further disciplinary proceedings, his service register has been red-marked, which is stated to be causing stigma.

4. Learned counsel for petitioner submits that though petitioner has been reinstated into service as no disciplinary

proceedings are initiated or pending against him, the period of suspension has to be regularized in terms of FR 54-(B). He is also being denied the benefits of promotion and other incremental benefits.

5. Learned standing counsel appearing for 4th respondent placed on record written instructions stating that petitioner was initially placed under suspension, however, as the competent authority to hold enquiry being the 5th respondent, 4th respondent has not initiated any disciplinary action against the petitioner. Further, even 5th respondent has also not initiated any disciplinary proceedings as on today. The entries in the service register are only with respect to the aspect of petitioner being placed under suspension. Once the disciplinary proceedings reach to logical end, the same will be corrected accordingly. Further, in case petitioner is exonerated from disciplinary proceedings, he is entitled to get all benefits including that of treating the suspension period on duty.

6. Admittedly, in the present case, petitioner was placed under suspension on 16.05.2023 and later, the same came to be revoked on 25.10.2023. Though 4th respondent has suspended

the petitioner on the pretext of conducting disciplinary action, apparently even according to the instructions placed on record, 4th respondent is not competent authority to initiate the aforesaid disciplinary action, rather it is the 5th respondent who is competent enough. However, even 5th respondent as on today not initiated any disciplinary action even after lapse of almost two years. The same itself would go to show that respondents are not contemplating to initiate any disciplinary proceedings. The powers of suspension provided under Rule 8(1) presuppose that the respondents would initiate enquiry. In the present case the very basis for initiation of such enquiry found to be myth in view of the fact that no such action has been initiated as of now, the very issuance of suspension proceedings is clearly in violation and contrary to the aforesaid provision.

7. The claim of petitioner that respondents, under guise of anticipated departmental enquiry, having placed petitioner under suspension, are not extending the notional benefits including that of treating the suspension period as on duty, is completely unjustified and illegal has considerable force.

8. In this view of the matter, the petitioner is given liberty to make representation to respondents 4 and 5 within a period of two weeks and in case, such representation is received, they are directed to consider and pass appropriate orders on the said representation within a further period of eight weeks strictly in accordance with law. No costs.

As a sequel, miscellaneous petitions pending consideration, if any, in this case shall stand closed.

CHALLA GUNARANJAN, J

22.04.2025
SS