

**THE HON'BLE THE CHIEF JUSTICE RAGHVENDRA SINGH CHAUHAN
AND
THE HON'BLE SRI JUSTICE T. VINOD KUMAR**

WRIT APPEAL No. 339 OF 2020

JUDGMENT: (Per the Hon'ble the Chief Justice Raghvendra Singh Chauhan)

The appellant has challenged the legality of the order, dated 17.08.2020, passed by a learned Single Judge in Writ Petition No. 12786 of 2020, whereby the learned Single Judge has dismissed the writ petition filed by the appellant, petitioner, wherein the petitioner had challenged the suspension order, dated 31.07.2020.

For the sake of convenience, hereinafter, the parties will be referred to as they were arrayed in the writ petition.

Briefly, the facts of the case are that the petitioner, Mr. P. Narasimha Chary, was appointed as Village Assistant on 10.09.1987. Subsequently, he was promoted as Senior Assistant in February, 2020. During the period 2003-2006, he worked as Village Revenue Officer / Panchayat Secretary in Bommakal Village. In February, 2017, he was promoted in the post of Deputy Tahasildar. Upon his promotion, he was allotted to the Jagityal District, where he continues to work till present. However, by order, dated 31.07.2020, the petitioner was suspended from his service. Since the petitioner was aggrieved by the suspension order, he filed the writ petition before the learned Single Judge. As mentioned hereinabove, the learned Single Judge has dismissed the writ petition. Hence, this appeal before this Court.

Mr. P.V. Ramana, the learned counsel for the petitioner, submits that the petitioner is almost at the end of his service career, as he is about to retire within a period of one year.

Secondly, the allegations made against him relate to the year 2005-2006. Therefore, by suspending the petitioner, after a lapse of almost fourteen years, will not serve any fruitful purpose. Despite the fact that this fact was pointed out to the learned Single Judge, the learned Single Judge has upheld the suspension order, and dismissed the writ petition.

Thirdly, the alleged complaint made by Mr. Guda Rajeswar @ Rajeswara Reddy to the Police on 24.07.2020 on the basis of which a Criminal case, namely Crime No. 196 of 2020 has been registered against the petitioner also relates to the period of 2005-2006. Moreover, despite the fact that Mr. Guda Rajeswar @ Rajeswara Reddy has made allegations against the petitioner, he has already lost his case before the revenue authorities. Therefore, even the F.I.R. is a false and frivolous one. The F.I.R. has been lodged merely to harass the petitioner. Thus, the impugned order deserves to be set aside by this Court.

Heard the learned counsel for the petitioner and perused the impugned order, and examined the record submitted by the petitioner.

Needless to say, Rule 8 of the Telangana Civil Services (Classification, Control and Appeal) Rules, 1991 ('the Rules', for short) clearly states that an employee can be suspended either if a Criminal case is pending, or a Departmental Enquiry is contemplated. In the present case, admittedly, Article of Charges has been furnished to the petitioner on 31.07.2020. Thus, obviously a Departmental Enquiry has commenced. Moreover, undoubtedly, an F.I.R. has been registered against the petitioner on 24.07.2020 at Police Station, Karimnagar Rural for offences

under Sections 420, 468, 471, 506 read with 34 I.P.C. Thus, both the conditions, prescribed by Rule 8 of the Rules are fulfilled in the present case.

Whether the F.I.R. is a false or frivolous one cannot be decided by this Court. For, it is for the Trial Court to decide about the veracity and authenticity of the F.I.R. Therefore, the contentions raised by the learned counsel for the petitioner that the F.I.R. is a false and a frivolous one is clearly untenable.

Furthermore, suspension is not a punishment. Suspension is merely suspending the relationship between the employer and an employee. Since the petitioner is facing both the Criminal trial, and a Departmental Enquiry, the employer cannot be saddled with such an employee. Therefore, the respondents were justified in issuing the suspension order, dated 31.07.2020.

For the reasons stated above, this Court does not find any merit in the present appeal; it is, hereby, dismissed at the admission stage. Since the learned Single Judge has granted the liberty to the petitioner to file a departmental appeal against the impugned suspension order, the liberty shall continue. No order as to costs.

Pending Miscellaneous Petitions, if any, stand closed.

(RAGHVENDRA SINGH CHAUHAN, CJ)

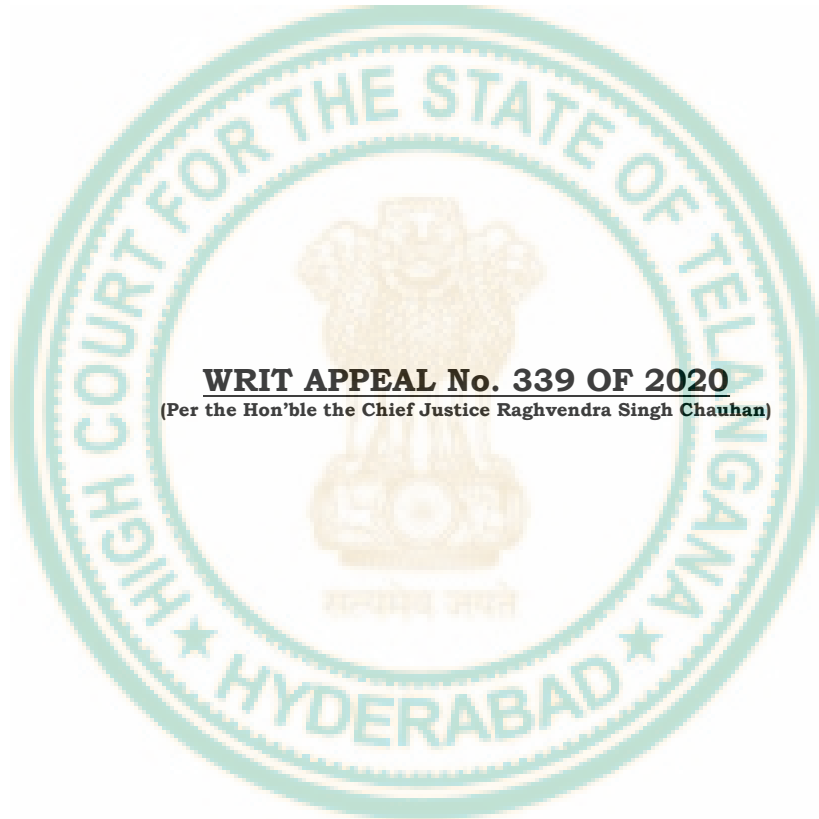
(T. VINOD KUMAR, J)

September 16, 2020

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16.09.2020

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