
(1999) 07 AP CK 0175

In the Andhra Pradesh High Court

Case No : Writ Petition No. 14324 of 1999

T. Subba Rao

APPELLANT

Vs

Revenue Divisional Officer

RESPONDENT

Date of Decision : 28-07-1999

Acts Referred:

Andhra Pradesh Village Administrative Officers Service Rules, 1990 — Rule 45, 49

Citation : (1999) 5 ALT 1

Hon'ble Judges : V. Eswaraiyah, J;B. Subhashan Reddy, J

Bench : Division Bench

Advocate : T. Seshagiri Rao, for the Appellant; G.P., for the Respondent

Final Decision : Allowed

Judgement

B. Subhashan Reddy, J.—This writ petition has been filed questioning the order of the A.P. Administrative Tribunal passed in O.A. No. 3333 of 1999 dated 9-7-1999.

2. The matter relates to suspension pending enquiry against the petitioner who is working as Village Administrative Officer, Vellatur, Bhattiprolu Revenue Mandal, Guntur District. Suspension pending enquiry cannot be interfered with, ordinarily. But, when the question of jurisdiction arises, the same calls for interference and that is what has happened in the instant case. The Revenue Divisional Officer has placed the petitioner under suspension and he is the authority for the same in view of Rule 45 of A.P. Village Administrative Officers Service Rules, 1990. But, this power is hedged with a condition of ratification of the same by the Joint Collector i.e., the appointing authority under Rule 49 thereof. Though the learned Government Pleader for Service-II has been granted time to obtain instructions in that regard, we are not apprised of any ratification having been done by the Joint Collector. The learned Government Pleader, however, has placed before us papers containing letter of the R.D.O., Tenali, addressed to the learned Government Pleader dated 22-7-1999 as also copy of G.O.Ms. No. 756, Revenue dated 5-10-1998, along with another letter of the RDO addressed to the learned Government Pleader. Ignoring the two letters which are not necessary for

adjudication of this matter and delving upon G.O.Ms. No. 756 which the learned Government Pleader stresses in support of his argument that no ratification is required and that the order of the Tribunal is correct, we are of the view that we cannot subscribe to the contention of the learned Government Pleader for the reason that the rule has not been amended even as on this date and the only stress of the Government is to amend the rule even empowering the Mandal Revenue Officer to place the V.A.O. under suspension pending enquiry. But, such a power was not vested with the Mandal Revenue Officer as on the date of passing of the order in the instant case and even as on this day.

3. In the circumstances, the order of the Tribunal is set aside and so also the order placing the petitioner under suspension and consequently the petitioner has to be reinstated into service. We, however, make it clear that disciplinary enquiry shall go on against the petitioner and the same shall be expedited and be concluded after affording an opportunity to the petitioner, within a period of six months from the date of receipt of a copy of this order.

4. The writ petition is accordingly allowed. No costs.