

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

W.P.No. 33791 of 2025

PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
	04.12.2025	<u>VN, J</u> The Writ Petition is filed questioning the Order of Suspension issued vide Rc.No.136/2025/A, dated 17.09.2025 by the Respondent No.2 as illegal and arbitrary. The Petitioner is working as Prohibition and Excise Constable. The Order of Suspension was on account of the unauthorized absence of the Petitioner from duty from 19.07.2025 to 22.07.2025 and the Medical Leave from 21.07.2025 to 19.08.2025 and 20.08.2025 to 18.09.2025. The Medical Leave was doubted by the Respondent Authorities and a disciplinary enquiry was initiated against the Petitioner. Learned counsel for the Petitioner submits that the genuineness of the Medical Leave of the Petitioner is an issue that can be decided in the Disciplinary Enquiry, but there is no reason for the Respondent Authorities to keep the Petitioner under suspension on account of unauthorized absence. Sri S. Raju, learned Assistant Government Pleader appearing for Services-I, submits that the Petitioner did not respond to attending the	

	medical examination to verify the genuineness of the Medical Leave and therefore, the competent Authority had suspended the Petitioner from duty, as the same is unbecoming of a Government Servant. Heard the respective counsel. The power to suspend is exercised to keep the delinquent away from the preliminary enquiry regarding the allegations of misconduct. In case of unauthorized absence or doubted Medical Leaves, there is no scope of the Petitioner interfering with the preliminary enquiry by the Department, as everything is borne out of the record. Therefore, in the opinion of this Court, the Order of Suspension is not warranted, more so when the disciplinary enquiry has already been initiated against the Petitioner. Therefore, there shall be an interim direction to the Respondent Authorities with the following conditions: i) The impugned Order of Suspension issued vide Rc.No.136/2025/A, dated 17.09.2025 by the Respondent No.2 is suspended pending further orders. ii) The Respondents are directed to reinstate the Petitioner into service forthwith. iii) The Petitioner shall cooperate with the expeditious conclusion of the disciplinary	
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		enquiry, and in default, the Respondents can take appropriate action. Post on 02.01.2025 for filing Counter Affidavit by the Respondents. VN, J eha	
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