

SUPREME COURT OF INDIA

Govt. of A.P.

Vs.

B. Vasantha Rao

(B Kirpal and S R Babu JJ.)

10.05.1999

ORDER

1. Special leave granted.

2. Respondent 1 was suspended by order dated 28-7-1998, on the same day when disciplinary proceedings were initiated against him. He filed a writ petition in the High Court challenging the order of suspension.

3. By the impugned order, the High Court noted that Respondent I had been empanelled for promotion to the post of Joint Commissioner on 28-5-1998 and the disciplinary proceedings commenced on 28-7-1998 and on the same day, i.e., 28-7-1998 he was suspended. From this, the High Court concluded that the act of suspension was an after thought. Consequently the High Court directed that no effect should be given to the order of suspension and the select list for promotion should be given effect to forthwith.

4. We are at a loss to understand as to how the High Court could pass such an order. Admittedly, the disciplinary proceedings had commenced on 28-7-1998. Even if before that date the said respondent had been empanelled for promotion, the Government cannot be prohibited from starting disciplinary proceedings if there are reasons for doing so. The High Court has not quashed the disciplinary proceedings and looking at the charges leveled against the respondent, it cannot be said that there was any ulterior motive for the respondent being put under suspension. Furthermore, where disciplinary proceedings are pending, we are doubtful whether it was appropriate for the High Court to have directed that the select list for promotion should be given effect to forthwith especially when the High Court in the said order has permitted the disciplinary proceedings to continue. It is also difficult to appreciate the High Court holding that even though disciplinary proceedings could continue but no final order should be passed. No reasons for coming to this

conclusion have been given.

5. We, therefore, have no hesitation in setting aside the impugned judgment of the High Court. The effect of this would be that Respondent 1, who was reinstated pursuant to an order passed by the High Court during the proceedings for contempt which are stated to have been initiated by the respondent, would be placed under suspension forthwith till the conclusion of the disciplinary proceedings or the withdrawal of the suspension order by the Government. The disciplinary proceedings should be completed expeditiously. Any observations made in this order should not influence the outcome of the disciplinary proceedings.

6. The appeals are allowed in the aforesaid terms.