



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

[3208]

WEDNESDAY, THE TWENTY SECOND DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE D RAMESH

WRIT PETITION NO: 527/2025

Between:

1. KALUVA SREEKANTH, S/O KALUVA GOVINDAIAH, AGED ABOUT 57 YEARS, OCC EMPLOYEE, DEPUTY DIRECTOR OF MARKETING, R/O 10-26/4, SAI NAGAR BANK COLONY, PEERZAGUDA, GHATKESAR, MEDIPALLI, RANGREDDY, ANDHRA PRADESH - 500 098. CELL 91 99897 09045.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS SPECIAL CHIEF SECRETARY, AGRICULTURE AND CO-OPERATION DEPARTMENT, SECRETARIAT, VELAGAPUDI, GUNTUR.
2. THE COMMISSIONER AND DIRECTOR OF AGRICULTURAL MARKETING DEPARTMENT, OLD MIRCHI YARD, NALLAPADU ROAD, CHUTTUGUNTA, GUNTUR - 522 004
3. THE CHIEF SECRETARY/CHAIRMAN, IMPLEMENTATION AND MONITORING AUTHORITY, GENERAL ADMINISTRATION DEPARTMENT, SECRETARIAT, AMARAVATHI.
4. THE SECRETARY SERVICES, MEMBER-CONVENER, IMPLEMENTATION AND MONITORING AUTHORITY, GENERAL ADMINISTRATION DEPARTMENT, SECRETARIAT, AMARAVATHI.

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue writ, direction or order more particularly one in nature of writ of mandamus under Article 226 of Constitution of India declaring the action of the Respondents removing the Petitioner service vide. G.O.Ms.No.59 dated 25-1-2023 issued by Respondent No.1 and subsequent rejection of appeal vide order dated 11-11-2024 through Memo No.AGCO1-MKTG/7/Vig.II/2021 by the Respondents as illegal, arbitrary, excessive and violative of Article 14, 15, 16 and 21 of the Constitution of India and consequently set aside the G.O.Ms.No.59 dated 25-1-2023 and order dated 11-11-2024 through Memo No.AGCO1-MKTG/7/Vig.II/2021 and reinstate the Petitioner into service with all benefits including all the arrears of salary, allowances and all other benefits with effect from 20-02-2020 in the interests of justice and to pass

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of G.O.Ms.No.59 dated 25-1-2023 issued by Respondent No.1 removing the Petitioner service and consequently direct the Respondents to release subsistence allowance to the Petitioner from 20-02-2020 till date and continue the payment of the same every month pending disposal of the main writ petition in the interests of justice and to pass

Counsel for the Petitioner:

1.ALLU MIDHUN KUMAR

Counsel for the Respondent(S):

1.GP FOR SERVICES II

The Court made the following ORDER:

1. This Writ Petition is filed questioning the action of the respondents in removing the petitioner from service vide G.O.Ms.No.59 dated 25.10.2023 issued by Respondent No.1, and the consequential rejection of his appeal vide order dated 11.11.2024 through Memo No.AGCO1-MKTG/7/Vig.II/2021, as being illegal and arbitrary.
2. Heard the learned counsel for the petitioner and the learned Government Pleader for the respondents.
3. The learned counsel for the petitioner submits that, on 09.11.2021, a charge memo was issued to the petitioner along with a statement of articles of charges framed against him during his tenure as Deputy Director of Marketing on OD as Selection Grade Secretary, Agricultural Market Committee, Itchapuram, Srikakulam District. The charges against the petitioner are enumerated as follows:

Article of Charge No.1:*It is alleged that the petitioner willfully disobeyed the orders of the higher authorities by not reporting for duty at the Agricultural Market Committee, Itchapuram, and by questioning the administrative measures taken by the Government without joining duty. It is further alleged that the communication addressed by him reflects disregard and contempt towards the higher authorities and their administrative actions. On this basis, it is stated that the petitioner exhibited negligence in the discharge of official duties, arrogance, and lack of devotion to duty, thereby violating Rule 3 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.*

Article of Charge No.2. *It is alleged that the petitioner remained unauthorizedly absent from duty from 08.05.2020 till the date of issuance of the charge memo, i.e., 09.11.2021, without obtaining any leave or permission from the competent authorities, namely, the Commissioner and Director of Agricultural Marketing, A.P., Guntur, or the Government. Such conduct is stated to amount to negligence and lack of devotion to duty, thereby violating Rule 3 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964, as well as the Andhra Pradesh Leave Rules, 1933.*

4. The learned counsel further submits that an enquiry was conducted, and based on the enquiry report dated 08.05.2023, a show cause notice was issued to the petitioner on 08.06.2023. The petitioner submitted his explanation on 03.07.2023. After considering the enquiry report and the explanation submitted by the petitioner, the respondents passed the impugned order dated 25.10.2023 vide G.O.Ms.No.59, Agriculture and Cooperation (Vig.II) Department, imposing the penalty of removal from service, wherein it is stated as here under:-

15. in turn, the secretary, A.P. Public Service Commission, Vijayawada in his letter 14th read above has informed that, after careful examination of the disciplinary case in the light of the records made available, commission agrees with the proposal of the government to impose a penalty of "removal from service" against the charged officer Sri K.Srikanth deputy director of marketing, in terms of G.O.Ns.No.260, General Administration (Ser.c) department, dated 04.09.2003 and advise accordingly.

16. Government, after thorough examination of the entire matter with the reference to the record of enquiry and keeping in view of the concurrence of the A.P. Public Service Commission, hereby order to impose a

penalty of (removal from service) against the charged officer Sri K.Srikanth, Deputy Director of Marketing, as both the charges framed against him are held proved in the regular enquiry and in terms of orders issued vide G.O.Ms.No.260, General Administration (Ser.c) Department, dated 04.09.2023, in the instant disciplinary case.

5. The learned counsel for the petitioner further contended that, pursuant to the amendment issued in G.O.Ms.No.129 dated 01.06.2007 to the Andhra Pradesh Leave Rules, 1933, Rule 5(b)(a) provides that where an employee remains absent from duty without authorization for a continuous period exceeding one year, such absence shall be treated as deemed resignation from service, i.e., a statutory consequence signifying voluntary cessation of service rather than a disciplinary punishment. However, in the present case, instead of invoking the said provision, the respondents have imposed the penalty of removal from service, which is not in consonance with the amended rules.

6. On perusal of the charge memo as well as the impugned order, and in light of the submissions made by the learned counsel for the petitioner, it appears that the punishment imposed is not in conformity with the amended provisions of the Andhra Pradesh Leave Rules, 1933.

7. The learned Government Pleader is also not able to place any subsequent amendment overriding the said rule.

8. Having regard to the facts and circumstances of the case, and upon due consideration of the amendment to Rule 5(b) of the Andhra Pradesh Leave Rules, 1933, this Court is of the opinion that the impugned order of punishment vide G.O.Ms.No.59 dated 25.10.2023 is unsustainable and liable to be set aside. Accordingly, the Writ Petition is allowed by setting aside the said impugned order and the matter is remanded to the competent authority for fresh consideration. The respondents are directed to reconsider the entire issue, taking into account the enquiry report as well as the explanation submitted by the petitioner, and to pass appropriate orders strictly in accordance with the applicable rules. There shall be no order as to costs.

Consequently, Miscellaneous Petitions, if any, pending in the writ petition shall stand closed.

JUSTICE D RAMESH

22.04.2026

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