

APHC010027902006



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

[3558]

WEDNESDAY, THE FIFTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

WRIT PETITION NO: 25845/2006

Between:

1.GOV'T OF AP., HOME DEPT., HYDERABAD, SECRETARY HOME
DEPARTMENT, SECRETARIAT, HYDERABAD

...PETITIONER

AND

- 1.S MAHABOOB JAN ANANTAPUR 5 OTHERS, W/O.LATE
S.MAHABOOB PEERA PC-308 D.NO.6-332-10-B, KOVOOR NAGAR,
ANANTAPUR
- 2.SMT S RASHEEDA BEGUM, W/O. LATE ABDUL AZEEZ HC-762
D.NO.10-111-EB, GUNTAKAL, ANANTAPUR DISTRICT & 4 OTHERS
- 3.SMT A G VENKATALAKSHMAMMA, W/O.LATE A.G.VENKATESULU
HC-1544 D.NO.7-383, RAHAMATH NAGAR, ANANTAPUR DISTRICT
- 4.SMT B SAVITHRI BAI, W/O.LATE V.SEVA NAIK SI-483
SOMANDEPALLI ANANTAPUR DISTRICT
- 5.SMT D ADI LAKSHMAMMA, W/O.LATE D.SURYANARAYANA HC-
1101 D.NO.8-197, GULZARPET, ANANTAPUR
- 6.SMT VENKATALAKSHMAMMA, W/O.LATE A.NARASIMHULU HC-445
D.NO.7-786, RAHAMATH NAGAR, ANANTAPUR

...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 an appropriate writ of direction more particularly one in the nature of writ of certiorari calling for the records relating to and connected with order dated 27.6.2002 in OA.No.6046 of 2002 on the file of the Hon`ble APAT., Hyderabad and to quash or set aside the same by holding as erroneous and contrary to law and pass

IA NO: 1 OF 2006(WPMP 33170 OF 2006

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 the order dated 27.6.2002 in OA.No.6046 of 2002 on the file of the Hon`ble APAT., Hyderabad pending disposal of the above writ petition and pass

IA NO: 1 OF 2011(WPMP 32902 OF 2011

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 permit the petitioners to effect service on the 2nd respondent in W.P.No.25845 of 2006 by publication in a local daily news paper having wide circulation and pass

Counsel for the Petitioner:

- 1.GP FOR SERVICES I

Counsel for the Respondent(S):

- 1.O MANOHER REDDY
- 2.

The Court made the following:**ORDER:** *(Per Hon'ble Sri Justice Cheekati Manavendranath Roy)*

This writ petition is filed by the State challenging the order dated 27.06.2022 passed in O.A.No.6046 of 2002 on the file of the learned Andhra Pradesh Administrative Tribunal, Hyderabad.

2. Heard Mr. R.S.Manidhar Pingali, learned Assistant Government Pleader for Services-I for the petitioners and Mr. K.Devi Prasanna Kumar, learned counsel representing Mr. O.Manohar Reddy, learned Senior counsel for the respondents.

3. The respondents were appointed as Civil and Armed Reserve Police during the years 1965-1975. Their pay is Rs.45/- per day. Their limited grievance is that the A.P.Special Police who are appointed by the State during the same period are being paid Rs.60-90/- per day which is higher than the pay scale of the Police Constable of Civil and Armed Reserve. Therefore, alleging that as the Police Constable of Civil and Armed Reserve are also discharging the similar nature of duties as that of the A.P.Special Police, that they are also entitled to the similar pay i.e., Rs60-90/- per day, they approached the Tribunal claiming higher pay on par with the A.P.Special Police. The Tribunal, at the stage of admission itself, without ordering notice to the State and other respondents therein and without hearing them, allowed the said petition with a direction to the State to consider the claim of the Police

Constable of Civil and Armed Reserve and enhance their pay on par with A.P.Special Police.

4. Aggrieved by the impugned order, the State has filed this writ petition challenging the same on the ground that the Tribunal has passed the order which is impugned without hearing them and it is violative of principles of natural justice and also on the ground that the Tribunal did not consider Rule 13(b) of A.P. Police Subordinate Service Rules, which says that the Police Constable of Civil and Armed Reserve are not entitled to the benefits on par with A.P.Special Police.

5. Earlier dealing with the similar issue, the Division Bench of the Erstwhile High Court of Andhra Pradesh in batch of Writ Petition Nos.4424 of 2004 to 23974 of 2006, remanded the matter to the Tribunal for passing orders afresh after considering Rule 13(b) of A.P. Police Subordinate Service Rules.

6. Therefore, Mr. R.S.Manidhar Pingali, learned Assistant Government Pleader for Services-I appearing for the writ petitioner submits that the present writ petition may also to be remanded to the Tribunal with a direction to order notices to the respondents and to hear them and also to consider Rule 13(b) of A.P. Police Subordinate Service Rules and then to pass orders afresh.

7. Mr. K.Devi Prasanna Kumar, learned counsel representing Mr. O.Manohar Reddy, learned Senior counsel for the respondents submits that in view of the judgments dated 04.12.2006 of the Division Bench of Erstwhile

High Court of Andhra Pradesh that in the present writ petition a direction may be given to the Tribunal to decide the matter afresh after hearing the respondent and after considering Rule 13(b) of A.P. Police Subordinate Service Rules.

8. At present, the Andhra Pradesh Administrative Tribunal was abolished from the year 2020. So, the Tribunal is not in existence to remand the matter. Therefore, the matter cannot be remanded to the Tribunal to decide the same afresh

9. However, as the impugned order was passed without ordering the notices to the respondent-State therein by the Tribunal and without considering the relevant Rule 13(b) of A.P. Police Subordinate Service Rules, the impugned order cannot be sustained. In view of the judgments of Division Bench of the Erstwhile High Court of Andhra Pradesh dated 04.12.2006, the impugned order is liable to be set aside. However, the respondents herein are at liberty to pursue their remedy before the appropriate Forum, if they are so entitled.

10. Resultantly, the Writ Petition is allowed setting aside the impugned order of the Tribunal, granting liberty to the respondents to pursue their remedy available to them according to law. There shall be no order as to costs.

As a sequel, Interlocutory Applications pending, if any, shall stand closed.

JUSTICE CHEEKATI MANAVENDRANATH ROY

JUSTICE TUHIN KUMAR GEDELA

Date: 05.11.2025
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THE HON'BLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

AND

THE HON'BLE SRI JUSTICE TUHIN KUMAR GEDELA

W.P.No.25845 of 2006

(Per Hon'ble Sri Justice Cheekati Manavendranath Roy)

Date: 05.11.2025

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