



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

[3208]

MONDAY, THE TWENTIETH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE D RAMESH

WRIT PETITION NO: 5186/2026

Between:

1.A NAGESWARA RAO, S/O.CHAINDRAIAH, AGED ABOUT 62 YEARS, FORMER EXECUTIVE DIRECTOR, DBCSCS LTD, R/O.DOOR NO.5-3-37, NEAR BONAKAL X ROAD, PAKABANDA BAJAR, ROAD NO.2, KHAMMAM TOWN, KHAMMAM DISTRICT, TELANGANA STATE. 507001.

...PETITIONER

AND

1.THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, BC WELFARE DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATHI. 522238.

2.THE VICE CHAIRMAN AND MANAGING DIRECTOR, A.P.BACKWARD CLASSES COOPERATIVE FINANCE CORPORATION LIMITED VIJAYAWADA, KRISHNA DISTRICT. 520001.

...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 a Writ of Mandamus declaring the action of the respondents in not regularizing the suspension period of the petitioner from 20.09.2019 to 08.11.2021 (780 days) as illegal, arbitrary, and violative of

Articles 14 and 21 of the Constitution of India, and consequently direct the respondents to treat the said suspension period as duty as per FR 54-B, taking note of the quashing of the disciplinary proceedings by order dated 08.12.2020 in W.P. No.18656 of 2020, which attained finality in W.A.No.522 of 2021 by order dated 08.09.2021, and further direct the respondents to pay 50 percent subsistence allowance differential, annual grade increments, and all consequential monetary and service benefits including arrears, and pass

IA NO: 1 OF 2026

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 direct the respondents to consider and dispose of the representations submitted by the petitioner to the 1st respondent on 22.07.2025 and 20.11.2024, and to the 2nd respondent on 25.09.2024, within a time-bound period, in the interest of justice, pending disposal of the writ petition and pass

Counsel for the Petitioner:

1.RAVULA NAGARJUNA

Counsel for the Respondent(S):

1.T JANARDHAN REDDY
2.GP FOR SERVICES II

THE HONOURABLE SRI JUSTICE D RAMESH**WRIT PETITION NO: 5186 of 2026****The Court made the following Order:**

This Writ Petition is filed under Article 226 of the Constitution of India seeking the following relief:

“... to issue an appropriate writ order or direction more particularly one in nature of Writ of Mandamus declaring the action of the respondents in not regularizing the suspension period of the petitioner from 20.09.2019 to 08.11.2021 (780 days) as illegal, arbitrary, and violative of Articles 14 and 21 of the Constitution of India, and consequently direct the respondents to treat the said suspension period as duty as per FR 54-B, taking note of the quashing of the disciplinary proceedings by order dated 08.12.2020 in W.P. No.18656 of 2020, which attained finality in W.A.No.522 of 2021 by order dated 08.09.2021, and further direct the respondents to pay 50 percent subsistence allowance differential, annual grade increments, and all consequential monetary and service benefits including arrears, and pass...”

2. Heard the learned counsel for the petitioner and the learned Government Pleader for Services-II.

3. The case of the petitioner is that, while he was working as a Executive Director in DBCSCS Limited, Prakasam District, , certain allegations were made against him. In pursuance of the said allegations, the respondent No.1 issued a G.O.Rt.No.261, BC Welfare (Vig-D) Department dated 20.09.2019 and placed the petitioner under suspension. The Petitioner was subsequently

reinstated into service on 08.11.2021 and continued in service till retirement on 31.01.2024. The Petitioner made representations dated 22.07.2025 and 20.11.2024 to the First Respondent to treat the suspension period as on duty along with payment of 50% of subsistence allowance, differential, annual grade increments and all consequential arrears, particularly in view of the finding that no loss was caused to the exchequer. In these circumstances, the petitioner contends that the continued refusal of the respondents to regularize the period of suspension is arbitrary and contrary to Rule 54-B of the Fundamental Rules and Subsidiary Rules, which mandates passing of specific orders regarding pay and allowances upon reinstatement. It is further contended that, in view of the imposition of only a minor penalty of censure and the categorical findings of the enquiry officer, treating the suspension period as "not on duty" would amount to imposing a major penalty, which is impermissible in law. Hence, the action of the respondents in not regularizing the suspension period from 20.09.2019 to 08.11.2021 and in denying back wages, increments, and other consequential benefits is illegal and arbitrary.

4. Learned counsel for the petitioner submits that an identical issue had fallen for consideration before this Court. In that context, the erstwhile composite High Court observed that once a minor punishment such as censure or warning is imposed, treating the period of suspension as “not on duty” would amount to imposing a more severe punishment. It was held that censure is only a minor penalty in nature, whereas denial of “on duty” treatment for the suspension period results in serious civil consequences and partakes the character of a major punishment.

5. Following the said judgment, a Coordinate Bench of this Court, in W.P. No. 19390 of 2020, disposed of the writ petition with similar observations:-

7. The Hon'ble Supreme Court in a case of A.V.Vinod Kumar v. Executive committee of the central Warehousing Corporation New Delhi and another³, it was held that Censure is a minor punishment something like a warning to be careful in future. In fact, in the Order dated 24.12.1991, it was stated that a lenient view in the matter was taken to afford an opportunity to the petitioner to improve his behaviour and to be careful in his work in future. While holding so, treating the period of suspension as 'not on duty', cannot be said to have been done in good faith and good conscience. The censure itself is a punishment of a minor nature. To treat the period of suspension as not on duty is a severe punishment, by which the petitioner is denied continuity of service for the purpose of seniority, promotion etc. Therefore, though the disciplinary authority has got power, such power, in this case, was not exercised reasonably and no reasonable

person could have treated the period of suspension as not on duty while imposing the minor punishment of Censure.

8. Under those circumstances, in the present case, this Court is of the opinion that treating the period of suspension as not on duty, while imposing a punishment of censure in the disciplinary proceedings, will lead to imposing a major punishment, as such, the action of the disciplinary authority in treating the period of suspension as not on duty is unreasonable and against good conscience. Therefore, the impugned order dated 04.06.2019 is liable to be set aside.

10. Having regard to the facts and circumstances of the case and in view of the decision of A.V.Vinod Kumar's case (supra 3), this Court is of the opinion that when once the disciplinary authority has imposed a minor penalty of censure the respondents ought to have treated the suspension period as spent on duty.

11. In view of the above reasons, the impugned proceedings vide Rc.No.488/C2/2014, dated 4.6.2019 issued by the 3rd respondent is hereby set aside and directing the respondents to treat the suspension period as spent on duty and further directing the respondents concerned to release 6 annual increments due to the petitioner from 1.7.2015 to 1.7.2020 and SPP Scale-I-A on completion of 12 years service, within a period of eight (08) weeks from the date of receipt of a copy of this order.

6. In view of the foregoing, upon perusal of the material available on record and having regard to the observations made in the aforesaid judgment, this Court is of the considered opinion that the writ petition deserves to be allowed. Accordingly, the respondent authorities are further directed to treat the period of suspension from 20.09.2019 to 08.11.2021 as "spent on duty" and to release the consequential benefits, including back wages,

increments, and all attendant benefits, within a period of eight (08) weeks from the date of receipt of a copy of this order.

7. Accordingly, the Writ Petition is allowed. There shall be no order as to costs.

Interlocutory applications, if any, pending shall stand closed.

JUSTICE D RAMESH

Date: 20.04.2026
PSA