

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

**FRIDAY, THE TWENTY FIRST DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE**

**PRESENT
THE HONOURABLE SRI JUSTICE CHALLA GUNARANJAN**



WRIT PETITION NO: 7186 OF 2025

Between:

Sk. Maboo Subhani, S/o. Late Shaik Gouse, Aged about 38 years, Occ: Junior Accountant of Pay and Accounts Office, Works Accounts Vijayawada R/o. 6th Lane, Davu Butchaiah Colony, Madhuranagar, Vijayawada, Krishna District.

...Petitioner

AND

1. The State of Andhra Pradesh, Rep.by its Principal Secretary Finance Department and Planning Secretariat, Amaravati Guntur District.
2. The Director of Works Accounts, Works Accounts A.P., At Mangalagiri,
3. The Joint Director of Works Accounts, Works Accounts, At Dowlaiswaram- 533125.
4. The Pay and Accounts Officer, Works Accounts, Vijayawada.

...Respondents

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, order or direction more particularly one in the nature of mandamus, declaring the action of 3rd respondent in placing the Writ petitioner under suspension for indefinite period, vide impugned proceedings No. JDWA/WA/DWM/Sn.B/B12/2024-25/104/ dated 29-10-2024 is contrary to G.O.Ms. No-22 dated 29-02-2024 issued in the name of Governor of Andhra Pradesh as well as the Hon'ble Apex court's principles laid down in the case of Ajay Kumar Choudhary Vs Union of India' and another reported in 2015 (2) SCR 415 as unjust, illegal, arbitrary and in violation of Articles 14, 16, 19 (1) (g) and 21 and 141 of Constitution of

India as well as Principles of natural justice and consequently to set-aside the proceedings vide No. JDWA/WA/DWM/Sn.B/B12/2024-25/104/ Dated 29-10-2024 issued by the 3rd Respondent herein.

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 the impugned proceedings vide No. JDWA/WA/DWM/Sn.B/B12/2024-25/104/ Dated 29-10-2024 issued by 3rd Respondent herein, by reinstating the Petitioner in the same capacity with immediate effect pending disposal of the Writ Petition.

Counsel for the Petitioner: SRI MOHAMMAD GHALIB SHAHID

Counsel for the Respondents: GP FOR SERVICES I

The Court made the following order:

APHC010136422025



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

[3506]

**FRIDAY, THE TWENTY FIRST DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SRI JUSTICE CHALLA GUNARANJAN

WRIT PETITION NO: 7186/2025

Between:

Sk. Maboo Subhani

...PETITIONER

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1. MOHAMMAD GHALIB SHAHID

Counsel for the Respondent(S):

1. GP FOR SERVICES I

The Court made the following:

The Court made the following order:

This Writ Petition is filed under Article 226 of the Constitution of India for the following relief/s:-

“...to issue a writ, order or direction more particularly one in the nature of mandamus, declaring the action of 3rd respondent in placing the Writ petitioner under suspension for indefinite period, vide impugned proceedings No.JDWA/WA/DWM/Sn.B/B12/2024-25/104/ dated 29.10.2024 is contrary to G.O.Ms.No.22 dated 29.02.2024 issued in the name of Governor of Andhra Pradesh as well as the Hon'ble Apex court's principles laid down in the case of 'Ajay Kumar Choudhary Vs Union of India' and another reported in 2015 (2) SCR 415 as unjust, illegal, arbitrary and in violation of Articles 14, 16, 19 (1) (g) & 21 and 141 of Constitution of India as well as Principles of natural justice and consequently to set-aside the proceedings vide No.JDWA/WA/DWM/Sn.B/B12/2024-25/104/ Dated 29.10.2024 issued by the 3rd Respondent herein and to pass such other order or orders....”

2. The petitioner joined as Junior Accountant in 4th respondent office in the year 2015 under compassionate grounds. Initially a crime was registered against the petitioner, based on complaint given by his wife and others, which culminated into C.C.No.256 of 2022 for the offences under Sections 341, 506, 509 of IPC and the same ended in conviction by judgment dated 28.08.2024 on the file of the VIII Additional Judicial First Class Magistrate, Gannavaram, against which petitioner preferred Crl.Appeal.No.173 of 2024 which is stated to be pending. Petitioner has been placed under suspension by proceedings No.JDWA/WA/DWM/Sn.B/B1/2024-25/104, dated 29.10.2024. In view of conviction in aforesaid calendar case, however, his suspension was to continued until completion of disciplinary proceedings.

3. Heard Sri mohammad Ghalib Shahid, learned counsel for the petitioner and learned Assistant Government Pleader for Services-I for respondents.
4. Learned counsel for the petitioner contends that the respondents are not entitled to place the petitioner under suspension for indefinite period and even in terms of G.O.Ms.No.22, General Administration (SER-C) Department, dated 29.02.2024, there should be review of suspension after four months. Suspension, pending inquiry is for a maximum period of one year and only in exceptional cases, can be extended beyond the said period.
5. Learned Assistant Government Pleader for Services-I appearing for respondent placed on record the written instructions, as per which it is stated that so far respondents have not reviewed the suspension.
6. As G.O.Ms.No.22, General Administration (SER-C) Department, dated 29.02.2024, issued by Government categorically states that at the end of every four months there should be review of suspension orders, and as in the present case, the order of suspension came to be passed on 29.10.2024, period of four (04) months got expired by 28.02.2025, the same is due for review.
7. Therefore, without expressing any opinion on the merits of the matter, the Writ Petition is disposed of directing the 3rd respondent to review the order of suspension in terms of G.O.Ms.No.22, General Administration (SER-C) Department, dated 29.02.2024 and pass appropriate orders in accordance with law within two (02) weeks from the date of receipt of copy of the order.

The 3rd respondent shall review the suspension keeping in view the pendency of Criminal Appeal. There shall be no order as to costs.

As a sequel, miscellaneous petitions, pending if any, shall stand closed.

Sd/- M. SURYANADHA REDDY
DEPUTY REGISTRAR

//TRUE COPY//

 **SECTION OFFICER**

To,

1. The Principal Secretary Finance and Planning Department, State of Andhra Pradesh, Secretariat, Amaravati Guntur District.
2. The Director of Works Accounts, Works Accounts A.P., At Mangalagiri,
3. The Joint Director of Works Accounts, Works Accounts, At Dowlaiswaram- 533125.
4. The Pay and Accounts Officer, Works Accounts, Vijayawada.
5. One CC to Sri Mohammad Ghalib Shahid, Advocate [OPUC]
6. Two CCs to GP for Services - I, High Court of Andhra Pradesh. [OUT]
7. Two CD Copies

RAM

HIGH COURT

DATED:21/03/2025

ORDER

WP.No.7186 of 2025



**DISPOSING OF THE WP
WITHOUT COSTS**