



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

[3208]

**TUESDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE D RAMESH

WRIT PETITION NO: 24743/2024

Between:

1. EARLU ANANTH, S/O. LATE APPALA NAIDU, AGE 33 YEARS,
OCC. JUNIOR AUDITOR, (NOW TERMINATED FROM SERVICE)
O/O. DISTRICT STATE AUDIT, VISAKHAPATNAM,
VISAKHAPATNAM DISTRICT .

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, , REP. BY ITS PRINCIPAL
SECRETARY TO GOVERNMENT FINANCE DEPT,
A.P. SECRETARIAT, VELAGAPUDI, AMARAVATHI GUNTUR
DISTRICT.

2. THE DISTRICT AUDIT OFFICER, VISAKHAPATNAM, ANDHRA
PRADESH

...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, Order or direction more in the nature of Mandamus declaring the orders passed by the 2nd respondent in proceedings No. SA No. 119/2024 dt. 15.10.2024 terminating the services of the petitioner as Junior Auditor quoting the orders of the Government and Director as illegal, arbitrary and violates the Article 14, 16 and 21 of Constitution of India and consequently declare that the petitioner is

entitled to continue in service without any break with all consequential and attendant benefits and to pass

IA NO: 1 OF 2024

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 issue Interim Direction suspending the orders passed by the 2nd respondent in proceedings S.A.No.119/2024 dt.15.10.2024 with a direction to re-instate the petitioner into service forthwith pending disposal of the above W.P. and to 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 maybe pleased to grant leave for filing Reply Affidavit in Writ Petition No.W.P.No.24743 of 2024 and pass

Counsel for the Petitioner:

1.P V RAMANA

Counsel for the Respondent(S):

1.GP FOR SERVICES I

The Court made the following:

ORDER:

The present Writ Petition is filed, under Article 226 of the Constitution of India, seeking the following relief:

“to issue any writ, order or direction more particularly one in the nature of Writ of Mandamus or an appropriate writ or order declaring the orders passed by the 2nd respondent in proceedings No.SA No. 119/2024 dt. 15.10.2024 terminating the services of the petitioner as Junior Auditor quoting the orders of the Government and Director as illegal, arbitrary and violates the Article 14, 16 and 21 of Constitution of India and consequently declare that the petitioner is entitled to continue in service without any break with all consequential and attendant benefits and to pass....”

2. Heard Mr.P.V.Ramana, learned counsel for the petitioner and learned Government Pleader for Services-I appearing for respondents.

3. Learned counsel for the petitioner submitted that initially a show cause notice has been issued on 19.9.2024 directing the petitioner to submit explanation, if any, within a period of five (5) days from the date of issuance of the said memo. The petitioner has made a request to give 15 days time to submit his reply. But surprisingly, without granting time, the respondents have passed the impugned order on 15.10.2024 terminating the services of the petitioner which is clearly violation of principles of natural justice and also the observations made by the Hon’ble Apex Court describing the reasonable period. According to the rulings of the Hon’ble Apex Court, the principles of natural justice in the sense providing a show cause notice giving a reasonable time and after obtaining explanation, the respondent authorities has to pass appropriate orders. In the instant

case, on perusal of the show cause notice, a notice has been issued giving only five (05) days time that to when the petitioner has specifically requested fifteen (15) days time without rejecting or allowing the said application/request, the respondents ought not to have passed the order of termination.

4. Further, learned counsel has brought to the notice of the Court that initially a notice is given on 19.9.2024 for initiation of departmental proceedings. But surprisingly, without initiating departmental proceedings and without giving proper opportunity, straight away, they have terminated the services.

5. Learned Government Pleader for Services-I appearing for respondents submitted that the Court may pass appropriate orders.

6. Considering the said submissions, as this Court is not inclined to go into the merits of the case, but under the principles of natural justice, the respondents ought not to have pass orders without giving a reasonable time to the concerned. On that ground, the impugned orders dated 15.10.2024 are set aside remanding the matter to respondent no.2 to issue fresh notice with a reasonable period of minimum of fifteen (15) days time and after receipt of said notice, the petitioner is permitted to submit his explanation along with records within a time stipulated to the show cause notice and after receipt of the explanation, the authorities

may pass appropriate orders based on the record, if required, by providing an opportunity of hearing to the petitioner.

7. With the above observations, the Writ Petition is disposed of. No costs.

As a sequel thereto, interlocutory applications pending, if any, in the writ petition, shall also stand closed.

21.4.2026
RD

JUSTICE D.RAMESH

THE HONOURABLE SRI JUSTICE D.RAMESH

WRIT PETITION No.24743 OF 2024

21.4.2026

RD