

APHC010517262025



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

[3208]

TUESDAY, THE SEVENTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE D RAMESH

WRIT PETITION NO: 26587/2025

Between:

1. DASURI RAM MOHAN, S/O. DASURI SUBBAIH, AGED ABOUT 57 YEARS, OCC SR. ASST. (FINANCE), ANDHRA PRADESH PUBLIC TRANSPORT DEPARTMENT (UNDER SUSPENSION), R/O. D.NO.6/331-F, RAILWAY STATION ROAD, RAJAMPET, ANNAMAYYA DISTRICT

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP BY ITS PRINCIPAL SECRETARY, TRANSPORT, ROADS AND BUILDINGS DEPARTMENT, A.P. SECRETARIAT AT VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT
2. THE ANDHRA PRADESH STATE ROAD TRANSPORT CORPORATION APSRTC, REP. BY ITS MANAGING DIRECTOR, RTC HOUSE, 1ST FLOOR, NTR ADMINISTRATION BLOCK, PANDIT NEHRU BUS STATION, VIJAYAWADA - 520 013
3. THE EXECUTIVE DIRECTOR, ANDHRA PRADESH STATE ROAD TRANSPORT CORPORATION (APSRTC), ZONE - IV, KADAPA, YSR KADAPA DISTRICT

...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, order or direction mostly one which is in the nature of a Writ of Mandamus declaring the Order bearing No.Dy.CTM/114(1)2025-Dy.CTM(O C) dated 19-09-2025 and proceedings vide Dy.CTM/114(1)2025-Dy.CTM(O C), dated 28-10-2025, of the 3rd Respondent in continuing to place the Petitioner under suspension in

exercise of powers under Rule 8 of A.P. Civil Services (Classification, Control and Appeal) Rules, 1991 is illegal, arbitrary, unjust and violative of Articles 14 and 16 of the Constitution of India and set aside the same and pass such other order or orders as this Honble Court may deem fit and proper in the circumstances of the case. Main Prayer amended/substituted as per Court Order dated 04.02.2026 vide IA No.2 of 2025

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 forthwith suspend the operation of Order bearing No.Dy.CTM/114(1)/2025-Dy.CTM(O&C) dated 19-09-2025 of the 3rd Respondent in placing the Petitioner under suspension and pass

IA NO: 2 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 issue an appropriate Writ, order or direction mostly one which is in the nature of a Writ of Mandamus declaring the Order bearing No.Dy.CTM/114(1)/2025-Dy.CTM(O&C) dated 19-09-2025 and proceedings vide Dy.CTM/114(1)/2025-Dy.CTM(O&C), dated 28-10-2025, of the 3rd Respondent in continuing to place the Petitioner under suspension in exercise of powers under Rule 8 of A.P. Civil Services (Classification, Control and Appeal) Rules, 1991 is illegal, arbitrary, unjust and violative of Articles 14 & 16 of the Constitution of India and set aside the same and pass

IA NO: 3 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 Vacate the Interim order dated 15.10.2025 in I.A.No. 1 of 2025 in W.P.No.26587 of 2025 and dismiss the writ petition as devoid of merits and to pass

Counsel for the Petitioner:

1. SODUM ANVESHA

Counsel for the Respondent(S):

1. ARAVALA RAMA RAO(SC FOR APSRTC KKAC)
2. GP FOR SERVICES II

The Court made the following:

ORDER:

The present writ petition is filed seeking the following relief:

“....to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the Order bearing No.Dy.CTM/114(1)2025-Dy.CTM(O C) dated 19-09-2025 and proceedings vide Dy.CTM/114(1)2025-Dy.CTM(O C), dated 28-10-2025, of the 3rd Respondent in continuing to place the Petitioner under suspension in exercise of powers under Rule 8 of A.P. Civil Services (Classification, Control and Appeal) Rules, 1991 is illegal, arbitrary, unjust and violative of Articles 14 and 16 of the Constitution of India and set aside the same and pass”

2. Heard Mrs. Sodum Anvesha, learned counsel for the petitioner and learned Assistant Government Pleader appearing for the respondents.

3. Basing on the averments, this Court has passed interim orders on 15.10.2025 which reads as follows:

.....In the light of the Preliminary Inspection Report and the respondents are directed to re-examine the order of suspension in the light of the preliminary inspection report dated 08.8.2025 issued by the Deputy Chief Accounts Officer, Kadapa Zone within a period of two (02) weeks from today.”

The respondents have reviewed the suspension of the petitioner and passed orders rejecting the case of the petitioner and the same was assailed by this Writ Petition.

3. The contention of the petitioner is that APSRTC retail outlet at Rajampet was established by Indian Oil Corporation Limited and the same is operated by APSRTC as dealer and the same was came into

operation on 07.12.2024 under the operation control of Depot clerk (oils) with the overall supervision of the Depot Manager, APSRTC, Rajampet Depot. The Deputy Chief Accounts Officer, Kadapa Zone vide letter dated 08.8.2025 has brought some irregularities to the notice of the Executive Director, APSRTC, Zone-IV, Kadapa. In the letter it is clearly mentioned that the Senior Assistant (Finance) Rajampet Depot has informed that there are certain irregularities noticed on verification of transactions pertaining to the month of July, 2025 regarding UPI transactions which are not tallying when compared with bank balance. Based on the above communication, initially the respondents have made a complaint to the Station House Officer, Rajampeta against 29 outsourcing employees. Further on 19.9.2025, they suspended the petitioner from services and also issued charge memo with the following charges:

Charge no.3: For having failed to verify meter readings, dip records, and maintenance registers, resulting in improper accountal of unexplained quantity of 9,319.76 liters of fuel worth Rs.9.77 lakhs shown for bunk test usage, which directly facilitated misappropriation of oil stocks, constitutes gross managerial failure and misconduct as per item No.14 of Annexure-IV of Rule 26-A in A.P.Civil Services (Conduct) Rules, 1964 read with G.O.Ms.No.70 of G.A. (Ser.C) Department dated 25.7.2023.

Charge no.4: For having failed to enforce internal controls, and entirely relied on subordinate Junior Assistant (Finance) which resulted

in large-scale misappropriation amounting to Rs.53.38lakhs in cash and improper accountal of unexplained quantity of 9,319.76 liters of fuel worth Rs.9.77 lakhs shown for bunk test usage, thereby exhibiting gross negligence, violation of financial discipline, constitutes misconduct as per item No.3 of Annexure-IV of Rule 26-A in A.P.Civil Services (Conduct) Rules, 1964 read with G.O.Ms.No.70 of G.A. (Ser.C) Department dt.25.7.2023.”

4. When the said proceedings are assailed before this Court, the Court heard the same and passed order on 15.10.2025 directing the respondents to consider and review the case of the petitioner based on the preliminary inspection report dated 08.8.2025. But the respondents have failed to consider the same while rejecting the case of the petitioner by continuing the petitioner under suspension.

5. Reply to the said contentions, learned standing counsel appearing on behalf of the respondent Corporation has made his submissions that as per Rule 8(1)(a) of A.P.Civil Service (classification, control and Appeal) Rules 1991, the competent authority is empowered to place an employee under suspension on a preliminary gross misconduct has established. Preliminary enquiry has been done and as per preliminary enquiry report submitted by controller of stocks, Zonal Stocks, Kadapa dated 18.9.2025 clearly establishes the petitioner's failure to verify the records and due to the financial

irregularities and based on findings of the preliminary enquiry officer, the petitioner was placed under suspension and further reliance made by the petitioner in Deputy C.E.O's preliminary inspection report is only misconceived and by virtue of that the petitioner's negligence cannot be diluted. In fact D.P.T.O, Annamayya District and the accounts team subsequently has conducted an inspection on 07.8.2025 and found misappropriation of funds. They have further placed reliance on the retail out let transactions guidelines issued vide letter no.ATM-2(IT)/Outlet(1)/2024-ITD dated 19.8.2024 that financial fraud at retail outlets the petitioner failed to verify or cross-check the transaction at retail outlets and failed to cross-checking and reconciliation of UPI payment credits. In fact the preliminary enquiry report dated 18.9.2025 clearly establish the negligence on the part of the petitioner with regard to his duties. Accordingly, the respondents have considered the case of the petitioner and rejected vide impugned order and the same is in accordance with records and rules.

6. Reply to the said contentions, learned counsel for the petitioner has submitted that the entire irregularities were brought to the notice of the higher authorities by the petitioner himself. In fact, in the first communication made by Deputy Chief Accounts Officer, Kadapa Zone to the Executive Director on 08.8.2025, it is disclosed that the

irregularities were pointed out by the petitioner only. Further in the entire preliminary enquiry report, there is no direct allegation against the petitioner. She further placed reliance based on the charges framed against the Depot Manager as well as Junior Assistant (Finance). If it is read both the charges simultaneously, it clearly establishes that in the Depot Manager evidence contrary to the senior assistant i.e. the petitioner herein and he has given contrary to the junior assistant and the irregularities were happened by virtue of non-discharging duties properly by the junior assistant who is the in charge of Finance in the said Depot. When the petitioner is not the in charge, the respondents ought not to have implicated the petitioner and suspended the petitioner for no fault of him. Further she also relied on the judgments of this High Court and also the Hon'ble Apex Court wherein she has categorically stated that while making suspension, the disciplinary authority, prima-facie of the opinion that the employee is engaged in activities prejudicial to the interest and security of the State and further continuation in service during pending enquiry/investigation is likely to prejudice the investigation, trial, enquiry; there is a possibility of tampering of documents, influencing the witnesses etc. But in the instant case, as the petitioner himself has brought to the notice of the authorities about the irregularities and it is also pointed out that the

investigation was completed, the entire records were seized by the disciplinary authority, hence the question of tampering the records would not arise in this case. Further in the High Court's judgment it is also pointed out that an employee is placed under suspension, the Courts intervention is limited. But when the suspension is frivolous and technical in nature or is only unwarranted, the Courts can intervene. But in the instant case, a perusal of the enquiry report and also taking the facts into consideration, the suspension of the petitioner is wholly unwarranted and too technical.

7. Further the petitioner has also relied on the observations made by the Hon'ble Apex Court in ***Union of India v. Ashok Kumar Aggarwal***¹ the relevant paragraphs are as follows:

“The power of suspension should not be exercised in an arbitrary manner and without any reasonable ground or as vindictive misuse of power. Suspension should be made only in a case where there is a strong prima facie case against the delinquent employee and the allegations involving moral turpitude, grave misconduct or indiscipline or refusal to carry out the orders of superior authority are there, or there is a strong prima facie case against him, if proved, would ordinarily result in reduction in rank, removal or dismissal from service. The authority should also take into account all the available material as to whether in a given case, it is advisable to allow the delinquent to continue to perform his duties in the office or his retention in office is likely to hamper or frustrate the inquiry.

10. In view of the above, the law on the issue can be summarised to the effect that suspension order can be passed by the competent authority considering the gravity of the alleged misconduct

¹ (2013) 16 SCC 147

i.e. serious act of omission or commission and the nature of evidence available. It cannot be actuated by mala fide, arbitrariness, or for ulterior purpose. Effect on public interest due to the employee's continuation in office is also a relevant and determining factor. The facts of each case have to be taken into consideration as no formula of universal application can be [laid down in](#) this regard. However, suspension order should be passed only where there is a strong prima facie case against the delinquent, and if the charges stand proved, would ordinarily warrant imposition of major punishment i.e. removal or dismissal from service, or reduction in rank etc.

Suspension is a device to keep the delinquent out of the mischief range. The purpose is to complete the proceedings unhindered. Suspension is an interim measure in aid of disciplinary proceedings so that the delinquent may not gain custody or control of papers or take any advantage of his position. More so, at this stage, it is not desirable that the court may find out as which version is true when there are claims and counter claims on factual issues. The court cannot act as if it an appellate forum de hors the powers of judicial review.

However, as the suspension order constitutes a great hardship to the person concerned as it leads to reduction in emoluments, adversely affects his prospects of promotion and also carried a stigma, an order of suspension should not be made in a perfunctory or in a routine and casual manner but with due care and caution after taking all factors into account.

8. Based on the above observations, learned counsel has submitted that as pointed out by the Court, the suspension of the employee constitutes a great hardship to the person concerned as it leads to reduction in emoluments. In the instant case on hand, the petitioner is not at all concerned with the irregularities either he is not the in charge of the out let or he is not involved in any misappropriation. One who has brought to the notice of the irregularities to the concerned authorities is by the petitioner. In the

said circumstances, the suspension of the petitioner is unwarranted and prays to reinstate the petitioner by allowing the Writ Petition.

9. Considering the submissions and on perusal of the record, as contended by the petitioner, this Court is of the opinion that there are no direct allegations against the petitioner. In fact a perusal of the communication made by the DPTO/ANMA dated.. clearly discloses that the irregularities were brought to the notice of the concerned authorities by the petitioner himself. In the said circumstances, when there is no involvement of the petitioner, there is no necessity to continue the suspension as against the petitioner.

10. In fact, the respondents by noticing the misappropriations, immediately they have also made preliminary complaint against the concerned staff and they have also issued charge memos to all the employees right from Depot Manager to Junior Assistant way back in September, 2025. In the said circumstances, instead of going into the merits of the case, the respondents are directed to conclude the enquiry as per the time stipulated under G.O.Ms.No.91 dated 12.9.2022. Further as contended by the learned counsel for the petitioner that preliminary inspection has been completed and entire records were seized by the respondents, the respondents may consider the case of the petitioner for review of suspension

expeditiously within a period of one (01) month from the date of receipt of a copy of this order.

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

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

JUSTICE D.RAMESH

Date: 17.02.2026
RD

THE HONOURABLE SRI JUSTICE D.RAMESH

WRIT PETITION No.26587 of 2025

Dated: 17.02.2026

RD