

APHC010649902025

IN THE HIGH COURT OF ANDHRA



PRADESH

[3460]

AT AMARAVATI

(Special Original Jurisdiction)

WEDNESDAY, THE THIRD DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION NO: 33597/2025

Between:

1. SHAIK JILANI BASHA, , S/O SHARINPUDDIN, AGED 40 YEARS, WORKING AS WATCHMAN (U/S) IN R AND B DEPT, PODILI SUB-DIVISION, R/O D.NO. 11-287/3, ISLAMPET, HIMANSA HOSPITAL LINE, V.N. PURAM, PODILI, PRAKASAM DISTRICT.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP BY ITS PRINCIPAL SECRETARY, TR AND B DEPARTMENT, A.P. SECRETARIAT VELAGAPUDI, GUNTUR DISTRICT.

2. THE ENGINEER IN CHIEF ADMN, ROAD AND BUILDINGS DEPARTMENT, VIJAYAWADA, NTR DISTRICT.

3. THE SUPERINTENDING ENGINEER, , R AND B CIRCLE ONGOLE, PRAKASAM 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 a Writ Order or Direction more particularly one in the nature of Writ of Mandamus declare the action of the respondents in not reinstating the petitioner and continuing the impugned Suspension orders vide Proceedings

No.Estt./Petition/Watchmen/EC-1/EE/R and B/Ogl/ 24-25 dated 15-11-2024 issued by the 3rd respondent as illegal arbitrary, and in violation of Principles of Natural Justice and contrary to G.O.Ms.No. 22 GAD (SER-c) Dept dated 29-02-2024 accordingly set aside the same consequently direct the respondents to reinstate the petitioner immediately and pass such

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 may be pleased to suspend the impugned Suspension orders vide Proceedings No.Estt./Petition/Watchmen/EC-1/EE/R&B/Ogl/24- 25 dated 15-11-2024 issued by the 3rd respondent, and further direct the respondents to reinstate the petitioner in duty pending disposal of the above writ petition and to pass such

Counsel for the Petitioner:

1.CHILAMKURTHI SATYA DEV NAIDU

Counsel for the Respondent(S):

1.GP FOR SERVICES II

The Court made the following:

THE HON'BLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION No.33597 OF 2025

ORDER:

1. The present writ petition is filed questioning the suspension order issued vide proceedings No.Estt./Petition/Watchmen/EC-1/EE/R&B/Og/ 24-25, dt.15.11.2024, issued by the 3rd respondent against the petitioner.
2. The petitioner was appointed as Watchman in the office of the Executive Engineer, R & B Division, Ongole. While so, the impugned order of suspension was issued under Rule 8(1) of Andhra Pradesh Civil Services (CCA) Rules, 1991 on the premise that there are certain allegations against the petitioner. Questioning the same, the present writ petition is filed.
3. The learned counsel for the petitioner would submit that the impugned order dated 15.11.2024 and the continuance of the order of suspension amounts to punishment. He further submits that the proposed charges against the petitioner do not warrant to keep the petitioner under suspension for such a long time.
4. The learned Assistant Government Pleader for R & B Department appearing for respondents 1 to 3 would submit that disciplinary action is being initiated against the petitioner and

considering the charges that are proposed against the petitioner, the order of suspension cannot be found fault with.

5. Heard the submissions of the respective counsel.
6. The Government issued G.O.Ms.No.22, dated 29.02.2024 wherein the Government, after taking into consideration earlier G.Os., directed that orders of suspension should be reviewed every (04) months and the outer limit of suspension was reduced to one year. The paragraph No.5 of the said G.O. is extracted below:

“After careful examination of the matter, after reviewing the said G.Os., duly obtaining the advice of the Competent Authority and in modification of the orders issued in the G.Os.1st to 4th read above, Government hereby direct to reduce the outer limit of suspension of Government servant from two (2) years to one (1) year from the date of suspension of the Government servant fixed in read with G.O.Ms.No.86, G.A. (Ser.C) Dept., dt.8.3.1994 read with G.O.Ms.No.526, G.A. (Ser.C) Dept., dt 19.8.2008 and G.O.Rt No.2285, G.A. (Ser.C) Dept., Dt.18.05.2012 for reinstatement of the Government servant under suspension, subject to all other conditions stipulated therein and also direct to review the order of suspension against a Government servant both in ACB and Departmental Inquiries at the end of every four (4) months instead of six (6) months fixed in G.O.Ms.No.86, G A. (Ser.C) Dept., dt.8.3.1994.”

7. Therefore, the Writ Petition is disposed of directing the respondents to review the impugned suspension order dated 15.11.2024 issued by the 3rd respondent in terms of paragraph No.5 of the above G.O. within a period of two (2) weeks from the

date of receipt of a copy of this order. There shall be no order as to costs.

8. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

JUSTICE NYAPATHY VIJAY

Date: 03.12.2025
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