



IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

(SPECIAL ORIGINAL JURISDICTION)

THURSDAY, THE FOURTH DAY OF DECEMBER,

TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION NO: 33791 OF 2025

Between:

Sk Moulali, S/o Sk. Nagoor Meravali (Late), Aged 35 years, Occ. Proh and
Excise Constable (under suspension) Bukkaraya Samudram Prohibition &
Excise Police Station Anantapur District.

...Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary,
Prohibition and Excise Department, Secretariat, Velagapudi, Guntur
District.
2. The District Prohibition and Excise Officer, Anantapur District,
Anantapur.

...Respondents

Petition under Article 226 of the Constitution of India is filed 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, declaring the action of the 2nd respondent in issuing impugned order vide proceedings Rc.No.136/2025/A dated 17.09.2025 placed the petitioner under suspension is highly illegal, arbitrary, unjust, improper, contrary to service rules and violation of Principles of Natural Justice apart from violation of Article 14, 16 and 21 of the Constitution of India and set aside the same and consequently direct

the respondent to reinstate the petitioner into service as Prohibition and Excise Constable with all consequential benefits;

IA NO: 1 OF 2025:

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the respondent to reinstate the petitioner into service as Prohibition & Excise Constable by suspend the impugned proceedings vide Rc.No.136/2025/A dated 17.09.2025, pending disposal of WP.No.33791 of 2025, on the file of the High Court.

IA NO: 2 OF 2025:

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the respondents to pay the subsistence allowances to the petitioner from the date of suspension i.e., 17.09.2025, pending disposal of WP.No.33791 of 2025, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri K.Narsi Reddy, Advocate for the Petitioner and GP for Excise for the Respondents, the Court made the following;

ORDER:

The Writ Petition is filed questioning the Order of Suspension issued vide Rc.No.136/2025/A, dated 17.09.2025 by the Respondent No.2 as illegal and arbitrary.

The Petitioner is working as Prohibition and Excise Constable. The Order of Suspension was on account of the unauthorized absence of the Petitioner from duty from 19.07.2025 to 22.07.2025 and the Medical Leave from 21.07.2025 to 19.08.2025 and 20.08.2025 to 18.09.2025. The Medical Leave was doubted by the Respondent

Authorities and a disciplinary enquiry was initiated against the Petitioner. ✓

Learned counsel for the Petitioner submits that the genuineness of the Medical Leave of the Petitioner is an issue that can be decided in the Disciplinary Enquiry, but there is no reason for the Respondent Authorities to keep the Petitioner under suspension on account of unauthorized absence. ✓

Sri S. Raju, learned Assistant Government Pleader appearing for Services-I, submits that the Petitioner did not respond to attending the medical examination to verify the genuineness of the Medical Leave and therefore, the competent Authority had suspended the Petitioner from duty, as the same is unbecoming of a Government Servant. ✓

Heard the respective counsel. ✓

The power to suspend is exercised to keep the delinquent away from the preliminary enquiry regarding the allegations of misconduct. In case of unauthorized absence or doubted Medical Leaves, there is no scope of the Petitioner interfering with the preliminary enquiry by the Department, as everything is borne out of the record. Therefore, in the opinion of this Court, the Order of Suspension is not warranted, more so when the disciplinary enquiry has already been initiated against the Petitioner. ✓

Therefore, there shall be an interim direction to the Respondent Authorities with the following conditions: ✓

- i) The impugned Order of Suspension issued vide Rc.No.136/2025/A, dated 17.09.2025 by the Respondent No.2 is suspended pending further orders. ✓
- ii) The Respondents are directed to reinstate the Petitioner into service forthwith. ✓

iii) The Petitioner shall cooperate with the expeditious conclusion of the disciplinary enquiry, and in default, the Respondents can take appropriate action.

Post on 02.01.2026 for filing Counter Affidavit by the Respondents.

//TRUE COPY//

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SD/- M.PRABHAKARA RAO
DEPUTY REGISTRAR
SECTION OFFICER

To,

1. The Principal Secretary, State of Andhra Pradesh, Prohibition and Excise Department, Secretariat, Velagapudi, Guntur District. (by **Special Messenger**)
2. The District Prohibition and Excise Officer, Anantapur District, Anantapur. (by **RPAD**)
3. One CC to Sri. K.Narsi Reddy, Advocate [OPUC]
4. Two CCs to GP for Excise, High Court of Andhra Pradesh. [OUT]
5. One spare copy

HIGH COURT

VN,J

DATED:04/12/2025

POST ON 02.01.2025

ORDER

WP.No.33791 of 2025

DIRECTION

