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APHC010253332021

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3330]**
(Special Original Jurisdiction)

MONDAY, THE 27th DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION No. 14557/2021

BETWEEN:

1. JONNALAGADDA RATNA KUMARI, D/o. JAYA RAO, AGED 35 YEARS, OCC:VILLAGE AGRICULTURE ASSISTANT GRADE-II, CHEBROLE-V,VILLLAGE SECRETARIAT, CHEBROLE MANDAL, GUNTUR DISTRICT, ANDHRA PRADESH.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REPRESENTED THE PRINCIPAL SECRETARY, AGRICULTURE DEPARTMENT, A.P.SECRETARIAT, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT.
2. THE DISTRICT COLLECTOR AND MAGISTRATE, GUNTUR DISTRICT, GUNTUR.
3. THE JOINT DIRECTOR OF AGRICULTURE, GUNTUR, GUNTUR DISTRICT
4. THE MANDAL PARISHAD DEVELOPMENT OFFICER, CHEBROLU MANDAL, GUNTUR DISTRICT. A.P.
5. THE DISTRICT PANCHAYAT OFFICER, GUNTUR DISTRICT, GUNTUR.

...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' declaring the action of the respondents 3 and 4 in not allowing the petitioner in joining to her duties as Village Agriculture Assistant, Grade-H, Chebrole-V, Village Secretariat, Chebrole Mandal, Guntur District after availing the maternity and Covid leave, as illegal, arbitrary in violation of Article 21 of the Constitution of India, consequently to direct the respondent No. 3 and 4 to permit the petitioner join her duties as Village Agriculture Assistant, Grade-II, Chebrole-V, Village Secretariat, Chebrole Mandal, Guntur District with all back wages, and to pass such other order or orders.

Counsel for the Petitioner:

1. M M M SRINIVASA RAO

Counsel for the Respondent(S):

1. GP FOR SERVICES II
2. G SRINIVASULU REDDY
3. G SRINIVASULA REDDY (SC FOR ZPP MPP AND GP SERVICES)

The Court made the following:

ORDER:

The facts narrated in the affidavit filed in support of the writ petition divulges that the petitioner was selected as Village Agricultural Assistant (Grade-II) in DSC, 2019, pursuant to which the petitioner attended for certificate verification on 02.11.2019 in the office of the 3rd Respondent-Joint Director, Agriculture, Guntur District and she was posted in Chebrolu-V, Chebrolu Mandal, on 03.11.2019 and the petitioner reported to duties on 03.12.2019. The petitioner herein applied leave for two months vide letter dated 17.01.2020 addressed to the 4th respondent on medical grounds and on the advise of her Doctor, during that time, the petitioner is in 5th month pregnancy. When the petitioner reports to duty the 3rd and 4th respondents have not allowed the petitioner to join her duties as Village Agricultural Assistant (Grade-II), after availing maternity and Covid-19 leave.

2. Petitioner further asserts that later due to lockdown in the months of March, April and May, 2020, the petitioner could not attend to her duties and during the period, the petitioner was admitted in hospital for delivery. And in the month of May, the petitioner availed maternity leave for six months as applicable under G.O.Ms.No.152 Finance (FR-I) Department, dated 04.05.2010, for a period of 180 days. And the petitioner suffered Covid-19, post maternity which forced her to suffer for about two months. After recovery, when she tried to join in the

month of January, 2021 and reported before the 4th respondent, who stated that the 3rd respondent directed the 4th respondent to direct the petitioner to meet the 5th respondent. Accordingly, the petitioner met the 5th respondent in the month of January, 2021, who disowned the petitioner and the petitioner addressed a letter to the 3rd respondent on 05.01.2021, requesting to allow her to join duties, but in vain. Such action of the respondents amounts to illegal, arbitrary and in violation of Article 21 of the Constitution of India, consequently prayed to direct the respondent Nos.3 and 4 to permit the petitioner to join her duties as Village Agricultural Assistant (Grade-II), in Chebrolu-V, Village Secretariat, Chebrolu Mandal.

3. The 3rd respondent filed counter affidavit. It is asserted that a notification No.01/2019 dated 26.07.2019 issued for filling up of Village Agriculture Assistant (Grade-II) post governed by A.P. Agricultural Sub-ordinate Service Rules in about 6714 posts in the entire State. The petitioner stood on merit among the other candidates as Village Agriculture Assistant (Grade-II) under Rule 10(a) of the A.P. State and Subordinate Service Rule 1996 and posted to the Headquarter of Chebrolu-V of Chebrolu Mandal, vide proceedings Rc.No.Estt.III/1908/ 2019, dated 11.11.2019 and the petitioner joined on 09.12.2019.

4. The Panchayat Secretary, Gram Panchayat, Chebrolu Mandal through his letter dated 04.01.2020 informed the 3rd respondent-Joint

Director, Agriculture, Guntur, that the petitioner joined on 09.12.2019 and attended duty for a period of four days only and thereafter she absconded from duties from 13.12.2019 to 04.01.2021 without applying any leave and not available on phone which was provided by the petitioner at the time of certificate verification as well as in records. As the petitioner failed to attend the call for the reasons best known to her, the petitioner submitted a representation on **05.01.2021** for the first time and on 20.01.2021 through the registered post. She stated that she applied for two months medical leave and due to lockdown during the months of March, April, May 2020, she could not attended duties and applied six months of maternity leave and due to covid. Based on the representations, the 3rd respondent addressed a letter dated 31.03.2021 and requested the 4th respondent to furnish the information with regard to leave letter on medical grounds / maternity leave/ suffering with Covid 19 if any and also information whether any show cause notice was issued to the individual for taking further action.

5. On the letter addressed by the 3rd respondent, the Mandal Parishad Development Officer, Mandal Praja Parishad, Chebrolu in his letter Rc.No.33/2021 dated 02.08.2021 informed that medical certificate received by registered post on 18.01.2020 and the said letter has submitted to the office of the 3rd respondent through the reference No.33/2021, dated 13.09.2021. And it is further stated that it is the

primary duty of the responsible employee to apply leave in advance and if any un-circumstances arises, they can inform to the concerned officer immediately by acting reasons. But, in the present case, as per the report furnished by the MPDO, MPP, Chebrolu, the individual not submitted her leave application to the officer and also not informed about suffering with covid-19. It is stated that the individual has absconded without applying any leave from 13.12.2019 i.e. for one year. Hence, in the above circumstances, it is prayed to dismiss the writ petition.

6. The 4th respondent filed counter affidavit. It is asserted that as per the G.O.Rt.No.628, Agriculture and Cooperation (AGRI-IV) Department dated 30.09.2019 a job chart was issued for functioning of Village Agriculture Assistants. As per the job chart, the Village Agriculture Assistant is answerable to Village Secretariat and Agriculture Department; that the incumbent shall mark attendance in the respective Village Secretariats; and they have to attend meetings conducted by the Village Secretariats and Agriculture department officials with relevant information. The Panchayat Secretary vide letter dated 25.07.2021 furnished the information that the petitioner attended duty on 09.12.2019 as Village Agriculture Assistant (Grade-II) in the Village Secretariat, Chebrolu-V, thereafter she did not attend her duties from 10.12.2019 and salaries also not paid to the petitioner. The 4th

respondent/MPDO has submitted the same report to the 3rd respondent vide letter dated 02.08.2021. The 4th respondent is not the competent authority to sanction leave to the above Village Agriculture Assistant (Grade-II) and it is reiterated that the petitioner is not attended her duties from 10.12.2019. Accordingly, requested this Court to dismiss the writ petition.

7. The simple argument of the petitioner is that the petitioner was not permitted to join duty as Village Agriculture Assistant (Grade-II) Chebrole Village Secretariat, Chebrole Mandal, and therefore prayed to direct the respondents to allow the petitioner to join in duty. Admittedly, no rule position or the law on this issue was placed before this Court to grant the relief prayed for in the writ petition.

8. The Court presumes the case of the petitioner is that she being an employee of the respondent not allowing to duty without conducting an enquiry against the petitioner and not ensuring compliance with the principles of natural justice, would amount stigmatic termination. The respondents in compliance of violation of principles of natural justice should have issued a show cause notice to the petitioner, calling upon to show cause, why the services of the petitioner should not be terminated.

9. With respect to the case on hand, the question is whether 'unauthorised absence from duty amounts to failure of devotion to duty or behaviour unbecoming of a Government servant cannot be decided without deciding the question whether absence is wilful or because of compelling circumstances. The petitioner asserts that she suffered from ill-health and she is pregnant and at that particular time covid-19 is spreading, the petitioner was unable to attend her duties, as such the absence is the result of compelling circumstances under which it was not possible to report or perform duty, such absence cannot be said to be wilful. This constraint which prevented the petitioner to attend duties.

10. Absence from duty without any application or prior permission may amount to unauthorised absence, but it does not always mean wilful. There may be different eventualities due to which an employee may abstain from duty, including compelling circumstances beyond his/her control like illness, accident, hospitalisation, etc., but in such case the employee cannot be held guilty of failure of devotion to duty or behaviour unbecoming of a Government servant.

11. If allegation of unauthorised absence from duty is made, the disciplinary authority is required to prove that the absence is wilful, in absence of such finding, the absence will not amount to misconduct. In

the present case, no enquiry was conducted to hold the absence of the petitioner is wilful, to declare the petitioner is guilty.

12. The learned counsels for the respondents' unanimous voice argued that the petitioner abandoned her duty without obtaining any permission or authorisation from the concerned authority. Petitioner was probationer, appointed as Agriculture Assistant (Grade-II) and could be ousted from service without holding any enquiry. The act of the respondents in not allowing the petitioner to duties is not stigmatic.

13. Hence, the present writ petition is disposed of directing the respondents to issue notice calling for explanation for the unauthorised absence granting reasonable time to submit explanation and the petitioner is directed to submit explanation to the said show cause notice. After giving an opportunity of hearing, the respondents are directed to pass appropriate order and communicate the same to the petitioner, this direction would not amount reinstate the petitioner. And the respondents are directed to conclude the enquiry without delay as expeditiously as possible preferably within a period 6 moths from the date of the order.

14. Accordingly, the writ petition is disposed of. However, no order as to costs.

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

JUSTICE TARLADA RAJASEKHAR RAO

Date: 27.07.2026

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THE HON'BLE SRI JUSTICE TARLADA RAJASEKHAR RAO

W.P.No. 14557 OF 2021

Date: 27-07-2026

Harin