APHC010508662025

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3603]**
(Special Original Jurisdiction)

WEDNESDAY, THE 15th DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE D RAMESH

THE HONOURABLE SRI JUSTICE ALAPATI GIRIDHAR

WRIT APPEAL NO: 1080 OF 2025

Writ Appeal under clause 15 of the Letters Patent to allow the Writ Appeal by setting aside the orders dated 29.11.2024 in W.P.No.3289 of 2020 and pass

Between:

1. THE STATE OF A P,, REP BY ITS PRI SECRETARY, HOME DEPARTMENT, SECRETARIAT BUILDINGS VELGAPUDI, GUNTUR DISTRICT.
2. THE DIRECTOR GENERAL,, STATE DISASTER RESPONSE AND FIRE SERVICES DEPARTMENT, STATE OF A P, VIJAYAWADA, KRISHNA DISTRICT.

...APPELLANT(S)

AND

1. GUJJALA RAMANA, S/0 Hanumanna Vist, Age 50 years, Occ Asst a C welfare officer, U/d RIO 169, Street No 600, Swarajnagar, Athmakur, Kurnool District.

...RESPONDENT

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 pleased to condone the delay of (273) days in filing the present Writ Appeal and to 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 pleased to suspend the operation of the orders dated 29.11.2024 in W.P.No.3289 of 2020 pending disposal of the Writ Appeal and pass

Counsel for the Appellant(S):

1. GP FOR SERVICES I

Counsel for the Respondent:

1. MANOJ KUMAR BETHAPUDI

The Court made the following:

THE HONOURABLE SRI JUSTICE D RAMESH

THE HONOURABLE SRI JUSTICE ALAPATI GIRIDHAR

WRIT APPEAL NO: 1080 OF 2025

JUDGMENT: *(Per Hon'ble Sri Justice D.Ramesh)*

The present Writ Appeal is filed aggrieved by the order dated 29.11.2024 passed by the learned Single Judge in W.P. No.3289 of 2020.

2. The learned Single Judge disposed of the aforesaid writ petition by observing as follows:

> *6. No doubt, a criminal case was booked against the petitioner and the Special Court awarded punishment with fine for the offences committed by him. Assailing the same, an appeal has been preferred and same is pending before this Court. Basing on the order of the trial court, the 1st respondent issued impugned order dated 29.08.2019, wherein dismissed the services of the petitioner. It is the contention of the learned counsel for the petitioner is that the 1st respondent without issuing any show cause notice or initiate any enquiry straight away award major punishment of removal, without affording opportunity of hearing of the petitioner is highly illegal and arbitrary. Therefore the impugned order is liable to be set aside.*
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> *7. It is curious to note that the 1st respondent has not conducted any enquiry or charges framed against the petitioner, except criminal case by the ACB, which is ended in conviction. Aggrieved by the same, Criminal Appeal has been preferred, which is pending before this Court. In the meantime, basing on the judgment of the trial court, the 1st respondent unilaterally dismissed the services of the petitioner, without following due procedure is highly illegal and arbitrary.*
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> *8. In the case of "P.V.Narayana and Others v. A.P.State Road Transport Corporation and Others"[1], wherein the Full Bench of this Court held as follows:-*
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> > *53] No doubt in the present cases the punishment awarded cannot be sustained in law in view of the law laid down by the Supreme Court in Kulwant Singh Gill's case and in the light of the Regulations, but, a specific period having been prescribed in the*

> *Regulations of the Corporation, as stated earlier, the same need to be adhered to. The proviso under Regulation 23 empowers the appellate authority to entertain an appeal even after expiry of the period of limitation provided if it is satisfied that the appellant had sufficient cause for not submitting the appeal in time. A similar power may also be exercised under Regulation 29, If the authority is not satisfied with the explanation offered by the workman in challenging the orders of punishment, this Court, in exercise of the jurisdiction under Article 226, cannot interfere unless the conclusion arrived at by the authority that the explanation offered by the workman is not justified or germane or no prudent person would have come to such a conclusion. In appropriate cases where the appeal or revision is filed within a reasonable period of delay, it is always open to the appellate or revisional authority to condone the delay on valid explanation put forth by the workman in not approaching the authorities within the time specified, in which event, the Writ Court should not interfere with the order. In our opinion, when Regulations provided a period of two months for filing an appeal and six months for a revision, delay of 5 to 18 years in approaching the authority would certainly be fatal to the case of a workman unless properly explained with cogent reasons."*
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> *…… 11. Further, the respondent authorities have not conducted any enquiry and not issued show cause notice before imposing major punishment in the instant case, except relying on the judgment of the trial Court. Therefore, it is presumed that the respondents basing on the conviction given by the trial court passed impugned order, which is highly illegal and arbitrary. Admittedly, Criminal Appeal has been pending before this Court and result will certainly binding on the petitioner. Therefore, the respondents without considering these aspects passed major punishment against the petitioner are highly illegal and arbitrary.*

3. Having observed so, the learned Single Judge disposed of the Writ Petition directing the respondents to issue notice to the petitioner, on such submission of such his explanation within time frame as fixed, the respondent authorities are directed to examine the case of the petitioner and pass appropriate reasoned order in accordance with law, after affording an opportunity of hearing of the petitioner, as expeditiously as possible.

4. Heard learned counsel for the appellant and learned counsel for the respondents.

5. Upon consideration of the submissions made and on perusal of the judgments of the Hon'ble Supreme Court in ***Manohar Lal v. Commissioner of Police and Others***[1] and ***Deputy Director of Collegiate Education v. S. Nagoor Meera***[2], this Court finds that the scope of Article 311(2)(a) of the Constitution has been authoritatively interpreted therein.

6. In the present case, the learned Single Judge disposed of the writ petition directing the respondents to issue notice and thereafter take appropriate action. The findings and directions contained in the impugned order dated 29.11.2024 are contrary to the law laid down by the Hon'ble Supreme Court in the aforesaid judgments.

7. In the said judgments, the Hon'ble Supreme Court has categorically interpreted Article 311(2)(a) and held that where a government servant is dismissed, removed or reduced in rank on the ground of conduct leading to his conviction on a criminal charge, it is not necessary to conduct a departmental enquiry or issue a show-cause notice before imposing the penalty, as the constitutional provision itself carves out an exception to the requirement of compliance with the principles of natural justice.

8. In view of the above settled legal position, the impugned order cannot be sustained.

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[1] 2026 SCC Online 363
[2] 1995 3 SCC 377

9. Accordingly, the Writ Appeal is allowed and the order dated 29.11.2024 passed in W.P. No.3289 of 2020 is set aside. There shall be no order as to costs.

As a sequel, all miscellaneous petitions, if any, pending in this Writ Appeal shall stand closed.

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D.RAMESH, J

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ALAPATI GIRIDHAR, J

Dated : 15.07.2026
TJN

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THE HONOURABLE SRI JUSTICE D RAMESH

THE HONOURABLE SRI JUSTICE ALAPATI GIRIDHAR

WRIT APPEAL NO: 1080 OF 2025

Dated: 15.07.2026

TJN

HIGH COURT OF ANDHRA PRADESH : AT AMARAVATI

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PROCEEDING SHEET

SL. NO.	DATE	ORDER	OFFICE NOTE
	15.7.2026	**DR, J & AGD, J** The Writ Appeal is allowed. (Vide Separate Judgment) _____ **DR, J** _____ **AGD, J** TJN	