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.. Petitioners

.. Respondent

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ORDER:- (per Hon'ble Sri Justice G. Chandraiah)

The petitioners-Government assert that on 27.01.1998, the respondent-employee was caught red-handed by the A.C.B. authorities while he was demanding and accepting illegal gratification and was involved in C.C.No. 21 of 1998. Subsequently, he was placed under suspension on 09.02.1998. While so, the respondent filed O.A.No. 5351 of 2001 before the Andhra Pradesh Administrative Tribunal, Hyderabad (for brevity "the Tribunal"), and the Tribunal, vide order dated 06.08.2001, by following the order dated 10.04.2001 passed by this Court in W.P.No. 4712 of 2001 whereby Rule 47 of the Village Administrative Officers Service Rules, 1990 (for brevity "the A.P.V.A.Os. Rules") was struck down and suspension without provision of subsistence allowance was held to be unconstitutional, disposed of the O.A. directing reinstatement of the applicant into service. Later, the Government issued orders in G.O.Ms.No. 504, dated 20.07.2001 amending Rule 47(5) of the A.P.V.A.Os. Rules by way of allowing 50% honorarium as subsistence allowance to the suspended Village Administrative

Officers. In pursuance of the G.O.Ms.No. 504, the 1st petitioner-District Collector, by proceedings dated 22.11.2001, ordered that 50% of honorarium as subsistence allowance be drawn and paid to the applicant with effect from 21.07.2001. Inasmuch as the applicant was not paid subsistence allowance during the period from 31.01.1998 to 20.07.2001, he filed C.A.No.898 of 2001 in O.A.No. 5351 of 2001, and the Tribunal, by order dated 18.03.2002, directed the petitioners herein to pay dues of subsistence allowance to the applicant during the period 31.01.1998 to 20.07.2001. However, the 2nd petitioner, by his order dated 04.08.2002, held that the applicant is not entitled to payment of subsistence allowance for the period from 31.01.1998 to 20.07.2001 prior to the amendment to Rule 47(5) of the A.P.V.A.Os. Rules. Challenging the order dated 04.08.2002, the respondent filed O.A.No.10548 of 2002 and the Tribunal, by the impugned order dated 04.12.2002, directed the petitioners to pay 50% of his salary/wages by way of honorarium for the period from 31.01.1998 to 21.07.2001 within the stipulated time of two months. Meanwhile, the Additional Special Judge for SPE & ACB Cases, Hyderabad vide judgment dated 21.10.2002 delivered in C.C.No. 21 of 1998, found the applicant guilty of the charges framed against him and convicted him. Followed by the judgment of conviction, the Joint Collector, Anantapur District, vide proceedings dated 15.01.2003,

dismissed the applicant from service. Hence, the Government has filed the present writ petition seeking to quash the order in O.A.No.10548 of 2002.

This Court, by order dated 30.12.2004, admitted the writ petition and ordered notice to the applicant in W.P.M.P.No. 32487 of 2004, however so far no interim suspension of the impugned order has been granted. In that view of the matter, the order passed by the Tribunal in O.A.No. 10548 of 2002 has attained finality and we see no reason to interfere with the same.

Hence, there is no merit in the writ petition and the same is accordingly is dismissed. No order as to costs.

As a sequel to the dismissal of the writ petition, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

G. CHANDRAIAH, J

23.11.2015

U.DURGA PRASAD

RAO,J

bcj