

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

WRIT PETITION No.6596 OF 2005

DATED: 3rd SEPTEMBER, 2015

Between

Sirigiri Ramarao

... Petitioner

and

Director General and Inspector General of Police
(Home Guards), Andhra Pradesh, Hyderabad,]
and another.

... Respondents

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.6596 OF 2005

ORDER

This writ petition was filed assailing the proceedings dated 06.03.2005, whereby the petitioner, a Home Guard, was removed from the rolls of the Home Guards Organization with immediate effect on 'indisciplinary grounds'.

Though the matter was admitted as long back as on 28.04.2005, the respondents have not chosen to file a counter till date.

It is the specific case of the petitioner that the removal order was passed without even giving him any show-cause notice or affording him an opportunity of hearing.

Sri V. Padmanabha Rao, learned counsel for the petitioner, points out that the order of removal is stigmatic in nature as the petitioner was removed on 'indisciplinary grounds'.

Section 4(3) of the Andhra Pradesh Home Guards Act, 1948, empowers the prescribed authority to dismiss or remove any Home Guard from his office. However, such power is subject to the condition that may be prescribed. Under rule 7(4) of the Rules framed under the above Act, a Home Guard may be removed from service for good and substantial reasons. The Rule further provides that a reasonable opportunity shall be given to the Home Guard to show cause before any action is taken and reasons shall be recorded for such action. In the present case, it is clear from the impugned removal order that no notice was given to the petitioner and he was summarily removed from service on disciplinary grounds. The said action was therefore in violation of the

prescribed procedure in addition to the principles of natural justice.

The writ petition is therefore allowed setting aside the removal order dated 06.03.2005. However, as the petitioner remained out of uniform service all these years, he would not be entitled to back wages. He shall be given the benefit of continuity of service for the purpose of reckoning his retirement benefits and for attendant benefits such as notional increments. He shall not be entitled for any monetary benefits for the period that he remained out of service.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

3rd SEPTEMBER, 2015

PGS