

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION NO.14916 OF 2014

ORDER: (per SK,J)

The State of Andhra Pradesh and its police officials filed this writ petition aggrieved by the order dated 25.02.2014 passed by the Andhra Pradesh Administrative Tribunal, Hyderabad, in O.A.No.1459 of 2014. The said O.A. was filed by the first respondent herein assailing the order dated --.09.2011 and the consequential Memo dated 15.05.2012 issued by the Superintendent of Police, Kurnool. He also sought a direction to the authorities to re-enroll him in duty as a Home Guard with all consequential benefits. By order dated 25.02.2014, the Tribunal allowed the O.A. under the impression that the matter was squarely covered by its earlier order dated 25.04.2013 passed in O.A.No.1493 of 2013 and batch. Aggrieved thereby, the authorities filed this writ petition.

By order dated 03.06.2014, this Court granted interim suspension of the order under challenge. W.V.M.P.No.2609 of 2014 was filed by the first respondent to vacate the said order.

Learned Government Pleader for Services, Andhra Pradesh, would contend that the Tribunal was in error in opining that the matter was squarely covered by its earlier adjudication. She would point out that this was not a case of removal of the name of the first respondent from the rolls of the Home Guards Organisation as he himself submitted a resignation letter stating that he has no interest in continuing with the Home Guards Organisation.

Significantly, the first respondent himself filed the removal order dated 15.05.2012 issued by the Superintendent of Police, Kurnool, wherein the remarks column bears the endorsement that he submitted a

resignation letter on 31.07.2010 to the effect that he had no interest to continue in the Home Guards Organisation, Kurnool. This being the fact situation, it is not open to the first respondent to complain of violation of the due procedure which is applicable to removal of the names of Home Guards from the Home Guards Organisation as a penalty.

Sri K.Asad Ahmed, learned counsel representing Sri Poodattu Amarender, learned counsel for the first respondent, would inform this Court that the counsel has given up the brief and signed a 'no objection vakalat'.

However, we find that no other counsel entered appearance before this Court. That being so, the failure on the part of the first respondent to engage a new counsel would not enure to his benefit at this late stage.

On the above analysis, this Court holds that the Tribunal was in error in opining that its earlier order in relation to removal of Home Guards from the Home Guards Organisation would cover this issue. It was obviously not so.

The writ petition is accordingly allowed setting aside the order dated 25.02.2014 passed in O.A.No.1459 of 2014 by the Andhra Pradesh Administrative Tribunal, Hyderabad. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR,J

M.GANGA RAO,J

Date:27.08.2018
GJ