

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

WRIT PETITION NO.17748 OF 2014

ORDER: (per SK,J)

The Government of Andhra Pradesh and its police authorities filed this writ petition aggrieved by the order dated 23.04.2014 passed by the Andhra Pradesh Administrative Tribunal, Hyderabad, in O.A.No.2885 of 2013. The said O.A. was filed by the first respondent herein assailing the order dated 26.12.2013 passed by the Superintendent of Police, West Godavari District at Eluru, removing his name from the rolls of the Home Guards Organisation. By the order under challenge, the Tribunal opined that the matter was squarely covered by its earlier order dated 25.04.2013 passed in O.A.No.1493 of 2013 and batch and accordingly allowed the O.A. Aggrieved thereby, the authorities filed this writ petition.

By order dated 30.06.2014, this Court granted interim suspension of the order under challenge.

Notice sent by the Registry to the first respondent-applicant was returned with the endorsement 'unclaimed'. This would amount to service of notice.

Learned Government Pleader for Services, Andhra Pradesh, would contend that the Tribunal was in error in holding that the matter was covered by the earlier adjudication. She would also point out that Memo dated 05.10.2012 was issued to the first respondent-applicant in relation to his unauthorised absence calling upon him to report for duty failing which necessary disciplinary action would be initiated. This Memo was received by the first respondent-applicant himself on 14.03.2013. That apart, Memo dated 13.03.2013 was also issued by the authorities to the first respondent-applicant on the same lines and calling upon him to

submit his written explanation. This Memo was also received by the first respondent-applicant himself on 30.03.2013. The Final Memo dated 18.04.2013 issued by the authorities was also received by the first respondent-applicant himself on 21.04.2013, but despite the said Memo calling upon him to submit his written explanation, he did not choose to do so. It is in these circumstances that the authorities resorted to removal of his name from the rolls of the Home Guards Organisation.

It may be noticed that the disinterest and detachment shown by the first respondent-applicant at the stage of receipt of the show-cause notices still continues and he did not even choose to enter appearance before this Court. Given his unauthorised absence, compounded by his conduct all through, this Court necessarily has to conclude that he has no further interest in employment as a Home Guard. Adherence to due procedure is therefore reduced to an empty formality.

The aforestated facts clearly demonstrate that this is not a case covered by the law laid down by a Division Bench of this Court in State of Andhra Pradesh v. P.Prasad Rao¹ or the relevant rules.

The writ petition is accordingly allowed setting aside the order dated 23.04.2014 passed by the Andhra Pradesh Administrative Tribunal, Hyderabad, in O.A.No.2885 of 2013. 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

¹ 2012 (1) ALD 76

