APHC010093582025

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3331]
(Special Original Jurisdiction)

FRIDAY ,THE TWENTY EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 5044/2025

Between:

Gampa Subbaiah **...PETITIONER**

AND

The State Of Andhra Pradesh and Others **...RESPONDENT(S)**

Counsel for the Petitioner:

1. DHEERA KANISHKA

Counsel for the Respondent(S):

1. VENKATA RAMA RAO KOTA SC FOR APSPDCL
2. GP FOR SERVICES I

The Court made the following ORDER:

The petitioner, Line Inspector, Porumamilla section, filed the above writ petition impugning the proceedings vide Memo No.SE/O/KDP/ADM/PO/JAO/J2/F.04/D.No.285/25 dated 31.01.2025 (Ex.P.8) issued by the 4th respondent and the consequential proceedings vide Memo No.EE/OPN/MDK/JAO/Adm/S1/F.Confi/D.No.221/2025 dated 06.02.2025 (Ex.P.9) issued by the 5th respondent are illegal and arbitrary.

2. Heard Sri Dheera Kanishk, learned counsel for the petitioner and Smt.Jyothiratna Anumolu, learned counsel representing Sri k.V.Ramana Rao, learned standing counsel for respondents 2 to 4.

3. The petitioner is working as a Line Inspector in the 2nd respondent Corporation. While the petitioner was working as a line man at Atlur Distribution, Sidhout Section from 01.05.2002 to 30.06.2005, in an incident i.e. due to electrocution Sri Pokala Eswar Reddy died on 09.06.2005. The family members of the deceased filed O.S.No.6 of 2006 on the file of learned VI Additional Judge, Kadapa, claiming compensation and the said suit was decreed, awarding compensation of Rs.7,77,500/- with interest at 6% per annum from the date of filing the suit till realization, along with costs of Rs.37,029/-. Aggrieved by the said judgment and decree, APSPDCL filed A.S.No.609 of 2010. Pending the appeal, in compliance with the interim order, an amount of Rs.4,25,779/- was deposited by way of a demand draft dated 25.10.2010. Eventually, the appeal was dismissed on 28.08.2023.

4. Be that as it may, the 2nd respondent issued proceedings vide Memo No.CMD/CGM(HRD)/GM(HR-II)/DGM(PEN)/PO(PEN)/D.No.563/24, DATED 06.12.2024 directing the 4th respondent to keep the entire compensation amount along with interest and costs equally (i.e., each employee 50%). Acting upon the said proceedings, the 4th respondent issued proceedings vide Memo No.SE/O/KDP/ADM/PO/JAO/J2/F.04/D.No.285/25 dated 31.01.2025 (Ex.P.8) and proceedings vide Memo No.EE/OPN/MDK/JAO/Adm/S1/F.Confi/D.No.221/2025 dated 06.02.2025 (Ex.P.9) issued by 5th respondent.

5. As seen from Ex.P.1, neither a notice was issued to the petitioner before passing the order nor was an inquiry conducted. The proceedings would indicate that based upon the finding recorded in the judgment, the authority issued the order impugned. Before effecting recovery, the 2nd

respondent ought to have issued a show-cause notice to the petitioner calling upon him to submit an explanation to meet the principles of natural justice. However, without issuing a show cause notice, the proceedings impugned were issued.

6. Learned standing counsel fairly submitted that the proceedings impugned do not indicate either issuance of show cause notice or conducting of any inquiry.

7. Recovery of the amount from the employee should be made after an inquiry following the Rules. However, as discussed supra, such a procedure was given a go-by in the case at hand. Since the proceedings issued are passed in violation of the principles of natural justice, the same is liable to be set aside.

8. Given the facts and circumstances of the case, the Writ Petition is allowed. The proceedings vide Memo No.SE/O/KDP/ADM/PO/JAO/J2/F.04/D.No.285/25 dated 31.01.2025 (Ex.P.8) issued by the 4th respondent and the consequential proceedings vide Memo No.EE/OPN/MDK/JAO/Adm/S1/F.Confi/D.No.221/2025 dated 06.02.2025 (Ex.P.9) issued by the 5th respondent are set aside.

However, this order will not preclude the 2nd respondent from initiating necessary action, strictly following the Rules. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

SUBBA REDDY SATTI, J

Dated: 28.02.2025
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THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

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Dated: 28.02.2025
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