APHC010102342026

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

WEDNESDAY, THE 28th DAY OF OCTOBER 2026

PRESENT
THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION NO: 6269 OF 2026

Between:

1. CH VASUDEVA SARMA, S/o C. Subbarao presently working as Office Subordinate in R.O. I Office, Tirumala, TTD, residing at D.No. 124, 0 Type, TTD Quarters, Vinayaka Nagar, Near ISKON temple, Tirupati - 517501.

...Petitioner

AND

1. THE COMMISSIONER OF ENDOWMENTS, Rep. by its Secretary, Andhra Pradesh-521225.

2. The Executive Officer, Tirumala Tirupati Devasthanams, Tirupati-517501.

3. The Joint Executive Officer, Tirumala Tirupati Devasthanams, Tirupati-517501.

4. The Deputy Executive Officer DA Section, TirumalaTirupatiDevasthanams, Tirupati-517501.

5. The State of Andhra Pradesh, Represented by its Principal Secretary, Endowments Department, Secretariat Buildings, Amaravathi at Velagapudi, Guntur District.

...Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased topleased to issue a Writ Order or Direction more particularly one in the nature of Writ of Mandamus declaring the proceedings Roc. No. DA2/57/AEO (Enq)/2016, dated 18-08- 2025 issued by the 1st period as which ever leave is eligible respondent regularizing the Petitioner's suspension is illegal, violative, arbitrary and contrary to the provisions of FR 54-A(3), FR 54-B(3), FR 54-B(4) and Direct the Respondents to treat the suspension period from 23-04-1998 to 15-08- 1999 as On duty for all purpose including Full pay and allowances. Pay re fixation and Restoration of increments. Seniority, promotion and Arrears of pay and allowances and Pass

IA NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased pleased to Direct the Respondents not to treat or record the suspension period from 23-04-1998 to 15-08-1999 as any form of leave, pending adjudication of this writ petition and Direct the Respondents to maintain the Petitioner's seniority position, service benefits, and promotional zone of consideration intact, without prejudice to his rights, and pass

Counsel for the Petitioner: SARMA C V S S

Counsel for the Respondents: AMRUTHA BOPPUDI

Counsel for the Respondents:GP FOR SERVICES I

The Court made the following order:

HON'BLE SRI JUSTICE NYAPATHY VIJAY

W.P.No.6269 of 2026

ORDER:

The present Writ Petition is filed questioning the order dated 18.08.2025 issued by Respondent No.1 in treating the Petitioner's suspension period as "whichever leave is eligible" as illegal, arbitrary and to treat the suspension period from 23.04.1998 to 15.08.1999 as "on duty for all purpose".

2) While the Petitioner was working at Andhra Ashram, Rishikesh, he suspended from his service on 16.04.1998 and a charge memo was issued on 04.07.1998 framing six (6) charges against him. The Petitioner submitted a detailed explanation to the charge memo on 28.08.1998 denying the allegations. Thereafter, an enquiry was conducted holding that charge Nos.1 to 5 were not proved, while charge No.6 was proved. Basing on the said enquiry report, the then Deputy Executive Officer (General) passed orders dated 02.04.2010 imposing punishment of stoppage of five (5) increments, with cumulative effect and the same was confirmed in the appeal filed before the TTD Board, Tirupathi.

3) Thereafter, the Petitioner filed another appeal before the 1st Respondent and the same was again confirmed vide G.O.Rt.No.717, dated 11.08.2015.

4) Questioning the order of punishment, the Petitioner filed W.P.No.42236 of 2015 before this Court. This Court had set aside the order of penalty vide order dated 18.07.2024. Then the Petitioner gave representation for treating the period of suspension from 23.04.1998 to 15.08.1999 as on duty as the penalty against the Petitioner was set aside. The 4th Respondent vide impugned order dated 18.08.2025 had regularized the services of the Petitioner as “whichever leave the Petitioner is eligible”. Questioning the same, the present writ petition is filed to treat the period of suspension as on duty for all purposes.

5) In the counter affidavit, as the reliance was placed on circular memo by the Government dated 05.12.2008 on the principle that ‘No work, no pay” applies to the individual and therefore, the impugned order was sought to be justified.

6) Heard Sri C.V.S.S. Sarma, learned counsel for Petitioner, Smt Amrutha Boppudi, learned counsel for Respondent Nos.2 to 4 and learned Government Pleader for Services-I for Respondent No.5

7) In the departmental enquiry, out of six (6) articles of charges, only charge No.6 was proved and the penalty was imposed. Charge No.6 as it appears from the orders of this Court in W.P.No.42235 of 2015 dated 18.07.2024 is with reference to the issuance of legal notice to the Executive Officer. This Court held that issuance of legal notice cannot be termed as misconduct and set aside the order of punishment. Paragraphs 15, 16 and 17 of the order are extracted below:

> *“15. On a perusal of the legal notice issued by the petitioner on 18.04.1998, it can be seen that the petitioner was constrained to issue the same as he was harassed by the Executive Officer-2nd respondent and was not allowed to sign in the attendance register or to perform any work. Hence, as issuing a legal notice is a means of initiating legal action to enforce rights and seek justice, this Court finds no wrong on the part of the petitioner herein in issuing a legal notice. In view of the same, disciplinary action cannot be initiated on issuance of such legal notices even without exhausting the normal official channels of redress.*
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> *16. As such, the proceedings of the 2nd respondent dated 02.04.2010 imposing punishment to the petitioner and the impugned order in G.O.Rt.No.717, dated 11.08.2015 passed by the 1st respondent confirming the decision of the 2nd respondent herein are set-aside.*
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> *17. Accordingly, this writ petition is allowed. There shall be no order as to costs.”*

8) In the light of order of this Court, there is no justification of the respondents in not treating the period of suspension as on duty as none of the charges were established by the Respondents. Any other way of looking at this issue, would amount to place a premium on the unsustainable charges, which was the basis for the suspension. The circular relied upon in the counter affidavit was in the context of cases where an individual was suspended on account of involvement in civil and criminal cases filed by third parties. The same is not the issue in this case.

9) Therefore, the writ petition is disposed of with the following directions:

(i) The impugned order dated 18.08.2025 is set aside.

(ii) The period of suspension of Petitioner shall be treated as on duty for all purposes.

(iii) That there shall be no order as to costs.

As a sequel, pending applications, if any, shall stand closed.

NYAPATHY VIJAY, J

Date: 28.10.2026

KKV/VSR