APHC010259452020

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3330]
(Special Original Jurisdiction)

MONDAY, THE 26th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION No. 17102/2020

BETWEEN:

1. SMT. PONUGUMATHI JYOTHI, W/o. LATE PONUGUMATHI SUNDAR RAO, HINDU AGED ABOUT 56 YEARS, RESIDENT OF DOOR No.28-3/2-13, DASUVARI STREET, ARDANDALPETA, VIJAYAWADA-520002.
2. MS PONUGUMATHI ARUNA, D/o. LATE PONUGUMATHI SUNDAR RAO, HINDU AGED ABOUT 30 YEARS, RESIDENT OF DOOR No.28-3/2-13, DASUVARI STREET, ARDANDALPETA, VIJAYAWADA-520002
3. MR. PONUGUMATHI RAJA, S/o. LATE PONUGUMATHI SUNDAR RAO, HINDU AGED ABOUT 38 YEARS RESIDENT OF DOOR No.28-3/2-13, DASUVARI STREET, ARDANDALPETA , VIJAYAWADA-520002.

...PETITIONER(S)

AND

1. THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS PRINCIPAL SECRETARY, HOME DEPARTMENT, A.P. SECRETARIAT BUILDINGS, VELAGAPUDI, GUNTUR DISTRICT.
2. THE DIRECTOR GENERAL OF POLICE, GOVERNMENT OF ANDHRA PRADESH, VIJAYAWADA.
3. THE ADDITIONAL DIRECTOR GENERAL OF POLICE, A.P.S.P. BATTALIONS, VIJAYAWADA, ANDHRA PRADESH.
4. THE COMMANDANT, 6TH BATTALION, APSP, MANGALAGIRI, GUNTUR DISTRICT

...RESPONDENT(S)

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 to issue an order/direction or any appropriate writ more particularly one in the nature of Writ of Mandamus declaring the G.O.Ms. No.445 Home (SC-A) Department, dated 29-07-1991 issued by the first respondent removing the deceased namely P.Sundar Rao who is the husband of the first petitioner and father to the second and third petitioner, from service without following the procedure of law contemplated under the Service Rules and Regulations, as illegal, arbitrary, unjust , arbitrary and capricious and misuse of powers so as to enable the petitioners to get the deceased retirement benefits and family pension to the first petitioner and to pass such other order or orders.

Counsel for the Petitioner(S):

1. G V SHIVAJI

Counsel for the Respondent(S):

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India for the following relief/reliefs:

> ……. to declare the G.O.Ms.No.445 Home SCA Department dated 29.07.1991 issued by the first respondent removing the deceased namely P.Sundar Rao who is the husband of the first petitioner and father to the second and third petitioner from service without following the procedure of law contemplated under the Service Rules and Regulations as illegal, arbitrary, unjust and capricious and misuse of powers so as to enable the petitioners to get the deceased retirement benefits and family pension to the first petitioner and to pass appropriate orders…..

2. The 1st respondent removed the husband of the 1st petitioner herein from the post of Head constable, VI Battalian Andhra Pradesh Special Police (APSP) by invoking the power under Article 311 (2) of the Constitution of India. The removal order was challenged in O.A. No.408 of 2018. The said O.A was dismissed by the Andhra Pradesh Administrative Tribunal vide order dated 19.03.2018 stating that the delinquent did not contest the removal order dated 29.07.1991, in G.O.Ms.445 of the Home SCA Department. The said order has become final and the same was not challenged.

3. Now the present writ petition is filed challenging G.O.Ms.No.445, Home SCA Department dated 29.07.1991 by the

wife and children of the delinquent employee. The learned Counsel for the petitioners argues that the criminal case that initiated against the delinquent officer was ended in acquittal and there is the real reason for dispensing with the enquiry, and resort to the power under Clause (c) of the proviso to Article 311 (2), is a mere sham and/or pretence and the impugned G.O. lacks the reasons, hence prayed to set aside the impugned G.O.Ms.No.445 dated 29.07.1991 and consequently prayed to direct the respondents to pay the retiremental benefits due, to the children of the delinquent as the wife of delinquent was no more.

4. The Governor of the State acts on the advice of Ministers/ Council. The Governor, if felt it necessary in the interest of the security of the State can invoke the power under Clause (c) of the proviso to Article 311 (2) of the Constitution, to remove the delinquent from service without holding any enquiry as such enquiry was considered to be inexpedient.

5. The power of the Court would extend only to an examination of the question as to whether the action of the Governor suffers from any mala fides or is based on extraneous or collateral reasons. The pleadings in the affidavit in support of the writ petitions are conspicuously lacking in so far as any plea of malafide is concerned. The satisfaction of the Governor being subjective, on the materials on

record it cannot be said that any case of malafide or consideration of irrelevant factors had entered into the decision making process so as to vitiate the impugned Order of removal.

6. More so, the delinquent officer was removed from the service on 29.07.1991, now the present writ petition is filed after lapse of 30 years. No reasons have come from the affidavit filed in support of the writ petition for filing of the writ petition after lapse of 30 years. The removal order has become final following the dismissal of the O.A. by the Administrative Tribunal, regardless of the circumstances. Additionally, the wife of the delinquent has since passed away, therefore, the writ petition is deemed to lack merit and it is dismissed. There shall be no order as to costs.

As a sequel, interlocutory applications, if any, pending in this writ petition shall stand closed.

JUSTICE TARLADA RAJASEKHAR RAO

Date: 26.10.2026

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THE HON'BLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION No.17102 OF 2020

Dt.26.10.2026
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