APHC010414242024

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3573]**
(Special Original Jurisdiction)

TUESDAY, THE 3rd DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

WRIT PETITION NO: 21286/2024

Between:

1. MADUMALA CHENCHI REDDY, S/O M.CHENCHI REDDY, AGED 67 YEARS, OCCU RETD VRO, R/O 14-152, BANGLA ROAD, PORUMAMILLA, KADAPA DISTRICT

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, REVENUE DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT.
2. THE DISTRICT COLLECTOR, KADAPA, YSR KADAPA 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 tomay be pleased to issue a Writ, or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the 2nd respondent in passing Ref.No.A4/557/2020 dated 22.06.2020 there by rejecting the request to regularize the period of suspension that the petitioner have undergone from 01.04.2011 to 12.05.2013 as on duty as illegal, arbitrary and unconstitutional and consequently set-a-side the same and direct the respondents to treat the period of suspension that the petitioner have undergone from 01.04.2011 to 12.05.2013 as on duty and pass

IA NO: 1 OF 2024

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

may be pleased to direct the respondents to regularize the period of suspension that the petitioner have undergone from 01.04.2011 to 12.05.2013 as on duty pending disposal of the main Writ Petition 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 may be pleased to grant leave for filing of the counter affidavit in W.P.No.21286 of 2024 and pass

Counsel for the Petitioner:

1. SRIMAN

Counsel for the Respondent(S):

1. GP FOR SERVICES I

The Court made the following Order:

The present Writ Petition has been filed challenging the proceedings of the 2nd respondent *vide* Ref.No.A4/557/2020, dated 22.06.2020, rejecting the request of the petitioner to regularize the period of suspension from 01.04.2011 to 12.05.2013 as 'on duty'.

2. The case of the petitioner is that, on 01.04.2011, the petitioner was trapped by A.C.B. Officials, while he was accepting a bribe of Rs.3000/- from the complainant therein for doing official favour. The Special Judge for Trial of A.C.B. Cases, by a judgment, dated 20.02.2015, in C.C.No.81 of 2013 has acquitted the individual. Pursuant to which, the petitioner approached the Authorities for regularization of the suspension period as 'On Duty' as he was acquitted from the Criminal Case.

3. While considering the regularization of the suspension period, the 2nd respondent has passed an order, dated 22.06.2020, regularizing the period of suspension from 01.04.2011 to 12.05.2013 i.e., for a period of 773 days as 'not on duty'. However, the same was subject to outcome of the pending Criminal Appeal against the order of acquittal.

4. Aggrieved by the same, the petitioner has approached this Court, by way of the present Writ Petition.

5. Heard Sri Sriman, learned counsel for the petitioner and Sri K. Varun Shyam Kumar, learned Assistant Government Pleader appearing for the respondents.

6. Learned counsel for the petitioner would submit that the petitioner has been acquitted from the above Criminal Case and that the period of suspension is required to be regularized as 'On Duty'. Mere pendency of the Criminal Appeal cannot be a ground for such rejection.

7. The learned Assistant Government Pleader submits that as per Rule 54-B(3) of the Fundamental Rules, it is for the competent authority to decide as to whether the suspension period has to be treated as spent on duty or not.

8. Rule 54-B(3) of the Fundamental Rules reads as under:

> *"Where the authority competent to order reinstatement is of the opinion that the suspension was wholly unjustified, the Government servant shall, subject to the provisions of sub-rule (8) be paid the full pay and allowances to which he would have been entitled, had he not been suspended and the proviso to the said Rule says that where such authority is of the opinion that the termination of the proceedings instituted against the Government servant had been delayed due to reasons directly attributable to the Government servant, it may, after giving him an opportunity to make his representation within the time stipulated therein and after considering the representation, if any, submitted by him, direct, for reasons to be recorded in writing, that the Government servant shall be paid for the period of such delay."*

9. In the instant case, the 2nd respondent, without recording his opinion as to whether the suspension was justified or not, has simply treated the period of suspension as 'not on duty'. It is for the competent authority to record the satisfaction over the justification of such suspension, if it is found that the

suspension is wholly unjustified, the employee is entitled to full pay and allowances for the period and that, the period has to be treated as 'On Duty'. Without expressing any opinion the authority cannot take any action for regularization of the period of suspension. The Authority ought to have recorded its opinion basing on the facts of the case for treating the period of suspension.

10. In view of the same, the impugned order is here by set aside and the matter is remanded back to the 2nd respondent to record his opinion as to whether the order of suspension is justified or not and take an appropriate action strictly in accordance with Rule 54-B(3) of the Fundamental Rules within a period of three (03) months from the date of receipt of a copy of this Order.

11. Accordingly, this Writ Petition is allowed. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

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JUSTICE BALAJI MEDAMALLI

Date:03.11.2026
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THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

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