*** THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI**

+W.P.NO. 580 OF 2024

% 04.11.2026

#Between:

Bhupani Venkata Naidu

…… Petitioner

$And:

The State of A.P & others

… Respondents

!Counsel for the Petitioner : Smt Samantha Krishna S

^Counsel for the Respondents : Sri Ch. Samson, learned Assistant Government Pleader for services-I

<Gist:

>Head Note:

? Cases referred:

1. (2004) 1 SCC 121

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

****

W.P.NO. 580 OF 2024

Bhupani Venkata Naidu

…… Petitioner

And:

The State of A.P & others

….Respondents

DATE OF ORDER RESERVED	**:**	**23.09.2026**
DATE OF ORDER PRONOUNCED	**:**	**04.11.2026**
DATE OF ORDER UPLOADED	**:**	**11.11.2026**

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE BALAJI MEDAMALLI

1. Whether Reporters of Local newspapers may be allowed to see the Order? Yes/No

2. Whether the copies of order may be marked to Law Reporters/Journals? Yes/No

3. Whether Your Lordships wish to see the fair copy of the Order? Yes/No

_____

JUSTICE BALAJI MEDAMALLI

Date of reserved for orders : 23.09.2026
Date of pronouncement : 04.11.2026
Date of uploading : 11.11.2026

APHC010649752023

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

WEDNESDAY, THE 04th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

WRIT PETITION NO: 580 OF 2024

Between:

1. BHUPANI VENKATA NAIDU, S/o Late Pakkirappa, aged 66 years, Occ. Sub-Registrar Grade-II (Retd.), R/o H.No.76-111-46-4, Brindavan Nagar, Ballari Cross Roads, Kurnool - 518 003

...Petitioner

AND

1. THE STATE OF AP, through its Spl. Chief Secretary, Revenue (Regn-I) Department, Secretariat, Velagapudi - 522 503

2. The Commissioner and Inspector General of Registration and Stamps, Andhra Pradesh, Tadepalli, Guntur District - 522 501

3. The Deputy Inspector General of Registration and Stamps, H.No.45/142-35-1A, Road No. 3, Ramlingeshwara Nagar, Kurnool - 518 002

4. Principal Accountant General A and E, , Andhra Pradesh, Bharathi Nagar, 12th Road, Benz Circle, Vijayawada

...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 to issue an appropriate order or direction more particularly a writ in the nature of Mandamus declaring the action of the respondents in issuing G.O.Rt.No. 1134 Revenue Vig.II Dept. dated 07.12.2023 is illegal, arbitrary, and violative of Articles 14, 16 and 21 of Constitution of India and consequentially set aside the same, and direct the respondents, (i) to treat the suspension period of the petitioner from

19.06.2010 to 31.01.2013 as spent on duty, (ii) to grant full pay and allowances for the suspension period of the petitioner from 19.06.2010 to 31.01.2013 by adjusting the 50 percent of salary already paid as subsistence allowance, (iii) to notionally promote the petitioner as Sub-Registrar, Grade-I on par with his Junior V. Venkateswarlu. (iv) to grant consequential benefits of sanction of annual grade increments and the benefits under automatic advancement scheme, (v) to sanction the balance gratuity of 20 percent and also full pension, together with interest @ 18 percent per annum from the date of accrual till the date of actual payments, 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 to direct the respondents to treat the suspension period of the petitioner from 19.06.2010 to 31.01.2013 as spent on duty, by suspending G.O.Rt.No.1134 Revenue Vigil Dept. dated 07.12.2023, and pass

IA NO: 2 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 to direct the respondents to grant full pay and allowances for the suspension period of the petitioner from 19.06.2010 to 31.01.2013 by adjusting the 50 percent of salary already paid as subsistence allowance, by suspending G.O.Rt.No. 1134 Revenue Vig.II Dept. dated 07.12.2023, and pass

IA NO: 3 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 to direct the respondents to notionally promote the petitioner as Sub-Registrar, Grade-I on par with his Junior V. Venkateswarlu, by suspending G.O.Rt.No.1134 Revenue Vig.II Dept. dated 07.12.2023, and pass

IA NO: 4 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 to direct the respondents to grant consequential benefits of sanction of annual grade increments and the benefits under automatic advancement scheme, by suspending G.O.Rt.No.1134 Revenue Vigil Dept. dated 07.12.2023, and pass

IA NO: 5 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 to direct the respondents to sanction the balance gratuity of 20 percent and also full pension,

together with interest @ 18 percent per annum from the date of accrual till the date of actual payments, by suspending G.O.Rt.No.1134 Revenue Vig.II Dept. dated 07.12.2023, and pass

IA NO: 1 OF 2025

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 to expedite the hearing of the above WP No.580/2024 by fixing an early date, 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 to grant leave for filing of the counter affidavit in W.P.No.580 of 2024 and pass

Counsel for the Petitioner: AMARA RAMA RAO

Counsel for the Respondents: GP FOR SERVICES I (AP)

The Court made the following Order:

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

W.P.NO: 580 OF 2024

ORDER:

1. The Writ Petition is filed for the following reliefs:

> *"……. to issue an appropriate order or direction more particularly a writ in the nature of Mandamus declaring the action of the respondents in issuing G.O.Rt.No. 1134 Revenue Vig.II Dept. dated 07.12.2023 is illegal, arbitrary, and violative of Articles 14, 16 and 21 of Constitution of India and consequentially set aside the same, and direct the respondents, (i) to treat the suspension period of the petitioner from 19.06.2010 to 31.01.2013 as spent on duty, (ii) to grant full pay and allowances for the suspension period of the petitioner from 19.06.2010 to 31.01.2013 by adjusting the 50 percent of salary already paid as subsistence allowance, (iii) to notionally promote the petitioner as Sub-Registrar, Grade-I on par with his Junior V. Venkateswarlu. (iv) to grant consequential benefits of sanction of annual grade increments and the benefits under automatic advancement scheme, (v) to sanction the balance gratuity of 20 percent and also full pension, together with interest @ 18 percent per annum from the date of accrual till the date of actual payments……."*

2. Brief facts of the case are that:

Petitioner was initially appointed as an Attender on 01.04.1984 and was subsequently promoted as Typist, Senior Assistant and finally as Sub-Registrar Grade-II, from which post he retired on 30.06.2017. While working as Sub-Registrar at Adoni, he was placed under suspension on 19.06.2010 in connection with an ACB trap allegedly conducted on 17.06.2010 at Raj Vihar Hotel, Kurnool. Subsequently, his suspension was revoked on 10.01.2013 and he was reinstated in service on 01.02.2013. During the suspension period

from 19.06.2010 to 31.01.2013, he was paid subsistence allowance at 50% of his pay. The criminal case arising out of the alleged ACB trap, in C.C.No.87 of 2013, ended in his acquittal by the Special Judge for ACB Cases, Kurnool, on 02.01.2015. Petitioner thereafter requested that the suspension period be treated as “on duty” and that he be paid full pay and allowances. His request was initially rejected, which made petitioner to file W.P.No.5093 of 2021 before this Court, wherein this Court directed the authorities to reconsider the matter after providing an opportunity of hearing. Subsequently, the Government issued G.O.Rt.No.582, dated 22.09.2021 treating the suspension period as “Not on duty”, on the ground that petitioner was awarded a penalty of stoppage of one increment without cumulative effect. Aggrieved by that, petitioner filed W.P.No.30714 of 2021, wherein this Court, by an order dated 18.07.2023, set aside G.O.Rt.No.582 and remanded the matter for fresh consideration. However, the Government again issued G.O.Rt.No.1134 dated 07.12.2023, reiterating its decision to treat the suspension period as “Not on duty”. Aggrieved by that, the present writ petition has been filed.

3. Respondents filed counter denying the averments made in the writ petition stating that petitioner, while working as Sub-Registrar, Adoni, was trapped by the ACB on 17.06.2010 for allegedly demanding and accepting a bribe of Rs.50,000/- and was thereafter placed under suspension from 19.06.2010 to 31.01.2013. Though petitioner was acquitted by the Special Judge for ACB Cases, Kurnool, in C.C.No.87 of 2013 by a judgment dated 02.01.2015, the Government granted permission to prefer an appeal against

the acquittal. It is further submitted that, apart from the criminal case, departmental proceedings were initiated against the petitioner under Rule 20 of the A.P. Civil Services (CC&A) Rules, 1991, in which one of the charges was held proved. Consequently, the disciplinary authority imposed a penalty of withholding of one annual grade increment without cumulative effect. Petitioner thereafter submitted representations seeking regularization of the suspension period to enable him to draw the differential pay and allowance, but the Government rejected the request by a Memo dated 15.01.2019. Pursuant to the directions of the High Court in W.P.No.5093 of 2021, petitioner was given an opportunity of hearing and, thereafter, the Government issued G.O.Rt.No.582 dated 22.09.2021 treating the suspension period as “Not on Duty” under FR 54-B (5) and (7). The said order was challenged in W.P.No.30714 of 2021 and the same was set aside with a direction for fresh consideration. On such reconsideration, the Government issued G.O.Rt.No.1134 dated 07.12.2023, again treating the suspension period from 19.06.2010 to 31.01.2013 as “Not on Duty”, on the ground that the suspension was justified in view of the prima facie bribery case and the penalty imposed in the departmental proceedings. As such, the impugned order was passed in compliance with the directions of this Court and the applicable service rules, and petitioner is not entitled to regularization of the suspension period as “on duty” or to consequential monetary and service benefits.

4. Heard Smt. Samantha Krishna S, learned counsel for petitioner and Sri Ch. Samson, learned Assistant Government Pleader appearing for Services-I.

5. The grievance of petitioner is that, having regard to the fact that the punishment imposed on him was only a minor penalty and that he was acquitted of the criminal charge, the period of his suspension is required to be regularized and treated as on duty in accordance with Fundamental Rule 54-B of the Fundamental Rules (F.R. 54-B). Petitioner had earlier approached this Court by filing W.P.No.5093 of 2021, wherein this Court, by setting aside the order dated 15.01.2019 rejected his claim for regularization of the suspension period, remitted the matter to the respondent authorities for fresh consideration. This Court observed that the impugned order had been passed without affording the petitioner a proper opportunity to put forth his case and, accordingly, directed the respondents to afford him such an opportunity and consider his representation strictly in accordance with F.R.54-B. Pursuant thereto, respondent authorities issued G.O.Rt.No.582, dated 22.09.2021, which was challenged by petitioner in W.P.No.30714 of 2021. By order dated 18.07.2023, this Court allowed the writ petition and remitted the matter to the respondent authorities for fresh consideration and for passing appropriate orders in the light of the observations made therein.

6. While allowing the said writ petition, this Court took note of the fact that G.O.Rt.No.582, dated 22.09.2021, had been issued by taking into consideration the criminal appeal preferred against the order of acquittal. This Court observed that mere pendency of a criminal appeal does not amount to continuation of the criminal proceedings in a manner that would, by itself, disentitle the petitioner to consideration of his claim. It was further observed

that the imposition of a penalty involving, withholding of one increment without cumulative effect would not, by itself, constitute a bar to the regularization of petitioner's suspension period. This Court also adverted to the issue as to whether the suspension period had, in fact, been regularized, particularly in the context of the observation in the impugned order that petitioner was not on duty. Accordingly, the said order was set aside, with a direction to the respondent authorities to reconsider the matter afresh in the light of the aforesaid observations. Pursuant to the said directions, respondent authorities issued G.O.Rt.No.1134, Revenue (Vigilance-II) Department, dated 07.12.2023, holding that the period of suspension of petitioner from 19.06.2010 to 31.01.2013 shall be treated as “not on duty” in terms of F.R.54-B(5) and (7). Aggrieved by the said order, petitioner has instituted the present writ petition challenging the same.

7. For proper appreciation of the issue involved, it is apposite to extract F.R.54-B, which governs the treatment of the suspension period, as hereunder:

> ***FR 54-B. Pay and allowances after suspension***
>
> *(1)When a Government servant who has been suspended is reinstated or would have been so reinstated but for his retirement (including premature retirement) while under suspension, the authority competent to order reinstatement shall consider and make a specific order-*
>
> *(a)regarding the pay and allowances to be paid to the Government servant for the period of suspension ending with reinstatement or the date of his retirement (including premature retirement), as the case may be; and*

(b)whether or not the said period shall be treated as a period spent on duty.

(2)Notwithstanding anything contained in Rule 53, where a Government servant under suspension dies before the disciplinary or the Court proceedings instituted against him are concluded, the period between the date of suspension and the date of death shall be treated as duty for all purposes and his family shall be paid the full pay and allowances for that period to which he would have been entitled had he not been suspended, subject to adjustment in respect of subsistence allowance already paid.

(3)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:

Provided 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 sixty days from the date on which the communication in this regard is served on him 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 only such amount (not being the whole) of such pay and allowances as it may determine.

(4)In a case falling under sub-rule (3) the period of suspension shall be treated as a period spent on duty for all purposes.

(5)In cases other than those falling under sub-rules (2) and (3) the Government servant shall, subject to the provisions of sub-rules (8) and (9) be paid such amount (not being the whole) of the pay and allowances to which he would have been entitled had he not been suspended, as the competent authority may determine, after giving notice to the Government servant of the quantum proposed and after considering the representation, if any, submitted by him in that connection within such period (which in no case shall exceed sixty days from the date on which the notice has been served) as may be specified in the notice.

(6)where suspension is revoked pending finalization of the disciplinary or the Court proceedings, any order passed under sub-rule (1) before the conclusion of the proceedings against the Government servant, shall be reviewed on its own motion after the conclusion of the proceedings by the authority mentioned in sub-

rule (1) who shall make an order according to the provisions of sub-rule (3) or sub-rule (5), as the case may be.

(7)In a case falling under sub-rule (5), the period of suspension shall not be treated as a period spent on duty unless the competent authority specifically directs that it shall be so treated for any specified purpose:

Provided that, if the Government servant so desires such authority may order that the period of suspension shall be converted into leave of any kind due and admissible to the Government servant.

NOTE.— The order of the competent authority under the preceding proviso shall be absolute and no higher sanction shall be necessary for the grant of-

(a)extraordinary leave in excess of three months in the case of temporary Government servant; and

(b)leave of any kind in excess of five years in the case of permanent or quasi-permanent Government servant.

(8)The payment of allowances under sub-rule (2), sub-rule (3) or sub-rule (5) shall be subject to all other conditions under which such allowances are admissible.

(9)The amount determined under the proviso to sub-rule (3) or under sub-rule (5) shall not be less than subsistence allowance and other allowances admissible under Rule 53.

8. A perusal of the aforesaid provision makes it clear that F.R.54-B governs the treatment of the period of suspension and the pay and allowances admissible to a Government servant upon reinstatement. Under sub-rule (3), where the competent authority is of the opinion that the suspension was wholly unjustified, Government servant is entitled to full pay and allowances, subject to sub-rule (8). In cases not falling under sub-rules (2) and (3), the pay and allowances for the suspension period shall be regulated in accordance with the applicable provisions. Further, under sub-rule (5), where the Government servant is entitled only to the subsistence allowance already paid, the suspension period shall not be treated as duty. The payments and

allowances admissible under sub-rules (2), (3) and (5) are, however, subject to the conditions specified in sub-rule (8).

9. The aforesaid provision contemplates three distinct contingencies. First, where a Government servant dies while under suspension, before the conclusion of the disciplinary or judicial proceedings instituted against him, the period from the date of suspension until the date of death shall be treated as duty for all purposes, and his family shall be entitled to full pay and allowances. Secondly, where the competent authority, upon reinstatement of the Government servant, records a finding that the suspension was wholly unjustified, the Government servant shall be entitled to full pay and allowances, subject to the conditions stipulated under the relevant provisions. Thirdly, in cases not falling within the aforesaid contingencies, sub-rule (5) applies, under which the pay and allowances admissible for the suspension period shall be restricted to the subsistence allowance already paid under F.R. 53, and the suspension period shall not be treated as duty, in terms of sub-rule (7).

10. In the present case, the petitioner was placed under suspension on 19.06.2010 and reinstated into service on 01.02.2013. The order of reinstatement does not record any finding that the suspension was wholly unjustified. In the absence of such a finding, the respondent authorities have treated the case as falling under F.R. 54-B(5), read with sub-rule (7), and consequently held that the pay and allowances for the suspension period are

restricted to the subsistence allowance already paid and that the said period shall not be treated as duty.

11. In the impugned order, the competent authority recorded a categorical finding that petitioner, while serving as an officer, was involved in a prima facie case of bribery and that, in the departmental proceedings, he was found guilty of the charges relating to violation of the applicable rules, for which the penalty of stoppage of one increment without cumulative effect was imposed. On that basis, the authority held that the suspension could not be regarded as wholly unjustified. The authority further observed that petitioner's subsistence allowance had been restricted to 50% during the suspension period in terms of F.R. 53(1)(iv)(iii). It also recorded that the claim relating to the suspension period could not be accepted on the ground that petitioner stood fully exonerated, in view of the findings recorded in the departmental proceedings. Consequently, the Government regularized the suspension period from 19.06.2010 to 31.01.2013 as “not on duty”, in terms of F.R.54-B (5) and (7), except for the limited purpose of payment of salary, as specified in the impugned order.

12. Learned counsel for petitioner placed reliance on the judgment of the Division Bench of the High Court of Judicature at Hyderabad for the States of Telangana and Andhra Pradesh in W.P.No.12212 of 2018. However, the said judgment is distinguishable on facts. In the present case, petitioner was found guilty in the departmental proceedings and was imposed the penalty of stoppage of one increment without cumulative effect. Consequently,

respondents regularized the suspension period under F.R.54-B (5) and (7), treating the same as *"not on duty"* for the purpose of payment of salary. In contrast, in the case relied upon by learned counsel, the disciplinary proceedings were dropped. Therefore, in view of the material difference in the outcome of the disciplinary proceedings, the judgment relied upon by petitioner is distinguishable and does not apply to the facts of the present case.

13. Learned counsel for petitioner also placed reliance on the judgment of a coordinate Bench of this Court in W.P.No.10570 of 2023, wherein it was held that, where the disciplinary proceedings culminated in imposition of a minor penalty, the period of suspension is liable to be treated as on duty for all purposes in terms of the applicable provision of F.R.54-B. However, the said judgment is distinguishable from the facts of the present case. In the instant case, the competent authority recorded a specific finding that the suspension could not be regarded as wholly unjustified. Consequently, the case was treated as falling under F.R.54-B (5), read with sub-rule (7), under which the suspension period is not treated as on duty. Accordingly, respondent authorities regularized the petitioner's suspension period from 19.06.2010 to 31.01.2013 as *"not on duty"* in terms of the aforesaid provisions.

14. Learned Assistant Government Pleader, appearing for respondents, placed reliance on the judgment of Hon'ble Apex Court in ***Union of India v. Jaipal Singh***[1]**,** wherein it held as follows:

> ***4.*** *On a careful consideration of the matter and the materials on record, including the judgment and orders brought to our notice, we are of the view that it is well accepted that an order rejecting a special leave petition at the threshold without detailed reasons therefor does not constitute any declaration of law by this Court or constitute a binding precedent. Per contra, the decision relied upon by the appellant is one on merits and for reasons specifically recorded therefor it operates as a binding precedent as well. On going through the same, we are in respectful agreement with the view taken in Ranchhodji [(1996) 11 SCC 603 : 1997 SCC (L&S) 491] . If prosecution, which ultimately resulted in acquittal of the person concerned was at the behest of or by the department itself, perhaps different considerations may arise. On the other hand, if as a citizen the employee or a public servant got involved in a criminal case and if after initial conviction by the trial court, he gets acquittal on appeal subsequently, the department cannot in any manner be found fault with for having kept him out of service, since the law obliges a person convicted of an offence to be so kept out and not to be retained in service. Consequently, the reasons given in the decision relied upon, for the appellants are not only convincing but are in consonance with reasonableness as well. Though exception taken to that part of the order directing reinstatement cannot be sustained and the respondent has to be reinstated in service, for the reason that the earlier discharge was on account of those criminal proceedings and conviction only, the appellants are well within their rights to deny back wages to the respondent for the period he was not in service. The appellants cannot be made liable to pay for the period for which they could not avail of the services of the respondent. The High Court, in our view, committed a grave error, in allowing back wages also, without adverting to all such relevant aspects and considerations. Consequently, the order of the High Court insofar as it directed payment of back wages is liable to be and is hereby set aside.*
>
> ***5.*** *The respondent will be entitled to back wages from the date of acquittal and except for the purpose of denying the respondent actual payment of back wages, that period also will be counted as period of service, without any break. The reinstatement, if not*

[1] (2004) 1 SCC 121

already done, in terms of the order of the High Court will be done within thirty days from today.

15. Placing reliance on the aforesaid judgment, learned Assistant Government Pleader would submit that the Hon'ble Supreme Court, while setting aside the order passed by the High Court, held that appellants therein could not be held liable to pay salary for the period during which they were unable to avail themselves of the services of the employee. It was further held that employee was entitled to back wages for the period during which he had actually worked and that his service would be treated as continuous, without any break in service.

16. As seen from the foregoing discussion, FR.54-B (3), (5) and (7) provide that, where the period of suspension is held to be unjustified, the employee is entitled to the full pay and allowances admissible for that period. In the present case, although petitioner was not fully exonerated in the departmental proceedings, a minor penalty was imposed. The competent authority, however, recorded a specific finding that the period of suspension could not be regarded as unjustified. In view of the said finding, the authority was justified in determining the suspension period as not on duty is in accordance with sub-rules (5) and (7) of FR 54-B. Accordingly, the decision of the authority cannot be said to be perverse. Consequently, petitioner's entitlement towards pay and allowances for the suspension period shall be limited to the subsistence allowance already paid under FR 53.

17. For the foregoing reasons, this Court finds that the impugned order is neither illegal nor perverse warranting interference in the exercise of its writ jurisdiction. Respondents have regularized the suspension period in accordance with FR.54-B (5) and (7), and petitioner is not entitled to any further pay or allowances beyond the subsistence allowance already paid.

18. Accordingly, the Writ Petition is ***dismissed***. No order as to costs.

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

_____

JUSTICE BALAJI MEDAMALLI

Date: 04.11.2026
SAK

Whether the order is:

Speaking	☑	Reasoned	☑
Reportable	☑	Non-reportable	

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

WRIT PETITION NO: 580 OF 2024

Date: 04.11.2026

SAK