

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

WEDNESDAY, THE TWENTY FOURTH DAY OF AUGUST,
TWO THOUSAND AND TWENTY TWO

:PRESENT:

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO
WRIT PETITION NO: 31166 OF 2021



Between:

T Krishnaiah, S/o. Late Venkatappa, Hindu, aged about 40 yrs, Occ: Cook, Government (SW) Boys Hostel, Palamaneru, Chittoor, R/o. Goduguchinta Village, Puthalapattu Mandal, Chittoor Dist.

...Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Principle Secretary, Social Welfare Department, Secretariat, Amaravathi, Guntur Dist.
2. The Deputy Director (SW), Social Welfare Department, Chittoor, Chittoor Dist.
3. The Joint Director, Social Welfare Department, Chittoor, Chittoor Dist.
4. The Assistant Social Welfare Officer, Chittoor, Chittoor Dist.
5. The Hostel Welfare Officer, GBH (SW) Ugranampally, for Pichatoor & Palamaneru, Chittoor Dist.

...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 a writ, order or direction more particularly one in the nature of writ of Mandamus, to declare the proceedings of the 2nd respondent passed in ROC No. B4/54/2017 dated 1.10.2021 wherein an order under restricting to pay leave salary for the period 21.4.2017 to 21.2.2018, and disallowing for the period from 22.2.2018 to 31.3.2021 treated it as extraordinary leave instead of releasing full pay salary, with increments and the other benefits appended to the Post amounts to erroneous, arbitrary and violative of Articles 14, 21 and 311 of Constitution of India, besides being contrary to fundamental rules and consequently direct the 2nd respondent to treat the suspension period is on duty in terms of Fundamental Rule 54 A (3) and release full salary, with increments and all other benefits appended to the post forthwith in the interest of justice.

IA NO: 1 OF 2021

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 2nd respondent to treat suspension period of writ petitioner is on duty in terms of fundamental rule 54 A (3) and release full salary, with increments and all other benefits appended to the post forthwith, pending disposal of WP.No.31166 of 2021, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri T C Krishnan, Advocate for the Petitioner, and GP for Services II, for Respondent Nos. 1 to 5 and the Court made the following.

ORDER

"Heard.

In view of the facts and circumstances of the case and considering the submissions made by both the learned counsel, there shall be a direction to the respondents to implement the Order in Roc.No.B4/54/2017, dated __.09.2021 passed by the 2nd respondent, within a period of four (4) weeks, from today.

Post after four (4) weeks. "

Sd/- B. PRASADA RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principle Secretary, Social Welfare Department, Secretariat, Amaravathi, Guntur Dist, State of Andhra Pradesh.
2. The Deputy Director (SW), Social Welfare Department, Chittoor, Chittoor Dist.
3. The Joint Director, Social Welfare Department, Chittoor, Chittoor Dist.
4. The Assistant Social Welfare Officer, Chittoor, Chittoor Dist.
5. The Hostel Welfare Officer, GBH (SW) Ugranampally, for Pichatoor & Palamaneru, Chittoor Dist. (No's 1 to 5 by RPAD)
6. One CC to Sri. T C Krishnan, Advocate [OPUC]
7. Two CCs to GP for Services II, High Court Of Andhra Pradesh. [OUT]
8. One spare copy

KPR

HIGH COURT

TRRJ

DATED:24/08/2022

NOTE: POST AFTER FOUR WEEKS

ORDER

WP.No.31166 of 2021

DIRECTION

