

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

MAIN CASE: W.P.No.54 of 2022

PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
07	20.07.2022	<p><u>KVL,J</u></p> <p>This writ petition is filed to declare the action of respondents 2 to 4 in not giving reposting orders to the petitioner to join in the post of Junior Accountant at office of Pay and Accounts Office, Works and Projects, Kurnool, as illegal and arbitrary.</p> <p>Case of the petitioner is that, he was appointed as Office Subordinate in the office of Pay and Accounts in the year 2003 and subsequently he was promoted as Junior Accountant in the month of February, 2010; he met with an accident in the month of September, 2014 and could not attend the duties for some time; he joined duty in the month of February, 2015 and thereafter, from April, 2015 he was not allowed to do his duty; thereafter he attended the duty, but it was shown as 'absent' in the attendance register; on 02.09.2015, the 4th respondent issued a memo to the petitioner asking him to submit explanation; enquiry was conducted by the 3rd respondent on 16.03.2016 and after enquiry, the 3rd respondent re-posted the petitioner in the office of the Assistant Pay and Accounts Office, Nandyal; in the month of May, 2018, he applied for leave for three months; previously on 29.08.2016, he filed a representation before the Human Rights Commission and when respondents 2 and 3 came to know of the same, they started harassing him and asking the petitioner to give a letter stating that 'due to mental imbalance, he gave a complaint against superior officers'; a memo was again issued</p>	

	<p>to the petitioner on 07.01.2019 alleging that he was absconded from duties from 05.05.2018 to 02.01.2019; petitioner was reposted to the same office, but the said copy was not served on him and the respondents are not allowing him to join duties.</p> <p>Counter-affidavit is filed by the 4th respondent stating <i>inter-alia</i> that reposting order was sent by the office through a Messenger on 07.01.2019, but the same could not be served on the petitioner and hence, the same was sent through registered post and the petitioner refused to receive the registered post containing the reposting orders; as per Rule 5B of A.P. Leave Rules, 1933, the government servant shall be deemed to have been removed from service, if he is absent from duty without authorisation for a period exceeding one year.</p> <p>However, copy of the acknowledgment of the registered post which is sent to the petitioner is not filed along with the counter-affidavit. Nothing is stated with regard to disciplinary proceedings that are initiated against the petitioner.</p> <p>Learned counsel for the petitioner submits that the petitioner is ready to join duty pursuant to the posting orders dated 07.01.2019.</p> <p>In view of the facts and circumstances, the respondents are directed to permit the petitioner to join duty in the 3rd respondent office. However, it is made clear that this order shall not preclude the respondents from initiating any disciplinary proceedings against the petitioner for his continuous absent for duties.</p> <p>Post the writ petition for final hearing in the usual course.</p> <p style="text-align: right;">KVL, J</p> <p>BSS</p>	
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