*** THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI**

***THE HONOURABLE SRI JUSTICE ALAPATI GIRIDHAR**

+ WRIT APPEAL NO: 1002/2026

% 02.11.2026

DUNDI SUBBA REDDY,, S/O CHENCHU REDDY AGED ABOUT 40 YEARS OCC WORKED PC 1348, 6THBATTALION APSP MANGALAGIRI R/O DUNDIVARIPALEM VILLAGE KARLAPALEM MANDAL GUNTUR DISTRICT A P 522111

……APPELLANT

And:

THE STATE OF AP, REP BY ITS PRINCIPAL SECRETARY HOME SERVICES II DEPARTMENT SECRETARIAT BUILDINGS, AMARAVATHI GUNTUR DISTRICT 522238 AND OTHERS.

….RESPONDENTS.

!Counsel for the appellant : Sri G.V.Shivaji

^Counsel for the respondents : Sri R.S.Manidhar Pingali, AGP for Services-I

Gist:

>Head Note:

? Cases referred:

HIGH COURT OF ANDHRA PRADESH

* * * *

WRIT APPEAL NO: 1002/2026

DATE OF JUDGMENT PRONOUNCED: 02.11.2026

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE RAVI NATH TILHARI

&

THE HON'BLE SRI JUSTICE ALAPATI GIRIDHAR

1.	Whether Reporters of Local newspapers may be allowed to see the Judgments?	Yes/No
2.	Whether the copies of judgment may be marked to Law Reporters/Journals	Yes/No
3.	Whether Your Lordships wish to see the fair copy of the Judgment?	Yes/No

_____

RAVI NATH TILHARI, J

_____

ALAPATI GIRIDHAR,J

APHC010381302026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3624]**
(Special Original Jurisdiction)

MONDAY, THE 2nd DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI

THE HONOURABLE SRI JUSTICE ALAPATI GIRIDHAR

WRIT APPEAL NO: 1002/2026

Writ Appeal under clause 15 of the Letters Patent set aside the order made in W.P.No.29753 of 2024, dated 07.04.2026, further by directing for considering the Writ Petition by adjudicating upon merits, about disciplinary punishment, in the interest

Between:

1. DUNDI SUBBA REDDY,, S/O CHENCHU REDDY AGED ABOUT 40 YEARS OCC WORKED PC 1348, 6THBATTALION APSP MANGALAGIRI R/O DUNDIVARIPALEM VILLAGE KARLAPALEM MANDAL GUNTUR DISTRICT A P 522111

...APPELLANT

AND

1. THE STATE OF AP, REP BY ITS PRINCIPAL SECRETARY HOME SERVICES II DEPARTMENT SECRETARIAT BUILDINGS, AMARAVATHI GUNTUR DISTRICT 522238
2. THE DIRECTOR GENERAL OF POLICE, ANDHRA PRADESH MANGALAGIRI GUNTUR DISTRICT A P 522503
3. THE COMMANDANT, 6TH BATTALION APSP MANGALGIRI GUNTUR DISTRICT A P 522503
4. THE ADDL COMMANDANT, HAC OF COMMANDANT 6TH BATTALION APSP MANGALGIRI GUNTUR DISTRICT A P 522503
5. THE DEPUTY INSPECTOR GENERAL OF POLICE, IV APSP

BATTALION MANGALAGIRI GUNTUR DISTRICT A P 522503

6. THE INSPECTOR GENERAL OF POLICE, APSP BATTALION MANGALAGIRI GUNTUR DISTRICT A P 522503

...RESPONDENT(S):

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 condone delay of 77 days in filing the present application, in the interest of justice

IA NO: 2 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 dispense with the filing of the certified copy of the Order made in W.P.No.29753 of 2024, dated 07.04.2026, in the interest of Justice

IA NO: 3 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 suspend the operation of order made in W.P.No.29753 of 2024, dated 07.04.2026, by directing for consideration of Writ Petition on merits, pending disposal of the present Writ Appeal in the interest of justice

Counsel for the Appellant:

1. G V SHIVAJI

Counsel for the Respondent(S):

1. GP FOR SERVICES I

The Court made the following:

JUDGMENT: :-*(per Hon'ble Sri Justice Ravi Nath Tilhari)*

Heard Sri G.V.Shivaji, learned counsel for the writ appellant and Sri R.S.Manidhar Pingali, learned Assistant Government Pleader for Services-I, appearing for the respondents.

2. The writ appellant is the writ petitioner in W.P.No.29753 of 2024. The writ appellant hereinafter would be referred to as 'writ petitioner'.

3. The writ petitioner is PC 1348, 6th Battalion, APSP, Mangalagiri, was removed from service by order in D.O.No.590/2020, C.No.01/Major PR/2020, dated 15.10.2020, after departmental enquiry, in which, charges were proved. The departmental appeal was dismissed and the petitioner's revision was also dismissed.

4. Challenging the aforesaid orders, the writ petition was filed.

5. By interim order dated 19.12.2024, the petitioner was directed to submit a fresh representation before the 3rd respondent therein i.e. Commandant, 6th Battalion, APSP, Mangalagiri, who was also directed to dispose of such representation. The petitioner submitted the representation, which was rejected by order in C.No.265/A6/2023-24, dated 03.01.2025. In view thereof, the writ petition was dismissed on 07.04.2026, observing that "if the petitioner has any grievance, he may question the said orders in a separate Forum".

6. The final order dated 07.04.2026 passed in W.P.No.29753 of 2024 reads as under:

> *"The present writ petition is filed seeking to declare the action of the respondents in not reinstating the petitioner into service by setting aside the punishment of removal from service vide Memo dated 15.02.2024 as illegal and arbitrary.*
>
> *2. Considering the submissions made by the learned counsel for the petitioner, this Court has passed an order on 19.12.2025 directing the respondents to consider the representation made by the petitioner.*
>
> *3. In compliance of the above said directions, the respondents have considered and passed the order dated 03.01.2026 reiterating the stand taken earlier stating that once the punishment was imposed following the provisions of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rulee,1991 there is no power to reinstate the petitioner into service. Once the orders are passed nothing survives in this writ petition.*
>
> *4. Accordingly, the writ petition is dismissed. If the petitioner has any grievance, he may question the said orders in a separate Forum. No order as to costs."*

7. Learned counsel for the petitioner (writ appellant) submits that the representation was made with respect to and only in view of the acquittal of the writ petitioner in the criminal case. The representation was given pursuant to the interim order dated 19.12.2024. On the rejection of the said representation, still the matter required consideration on merits on the order of punishment for his removal. Consequently in his submission, the order dated 07.04.2026 deserves to be set aside and the writ petition deserves to be heard afresh by the learned Single Judge on merits. In the alternative, learned counsel for the petitioner submitted that an opportunity may be granted to file fresh writ petition challenging the aforesaid three orders along with the order of rejection of the petitioner's representation dated 03.01.2025.

8. We have considered the aforesaid submissions and perused the material on record.

9. From perusal of the order dated 03.01.2025 i.e. the order passed by the 3rd respondent rejecting the petitioner's representation submitted pursuant to the interim order passed in the W.P.No.29753 of 2024 it becomes evident that, previously also the petitioner filed W.P.No.30529 of 2022 in this Court to set aside the order of punishment of removal etc.

10. Para 4 of the said order (unnumbered para) reads as under:

> *"Later, you have filed a Writ Petition bearing Number 30529/2022 in the Hon'ble High Court, AP, Amaravathi, to set aside the punishment. But any kind of verdict is not received from the Hon'ble High Court till date and still it is pending in the Hon'ble High Court."*

11. On perusal of the memo with the affidavit in W.P.No.29753 of 2024, the affidavit does not disclose filing of previous W.P.No.30529 of 2022.

12. Sri G.V.Shivaji, learned counsel for the petitioner as also Sri R.S.Manidhar Pingali, learned Assistant Government Pleader for Services-I appearing for the respondents, have also submitted that there is no disclosure in the W.P.No.29753 of 2024 about the previous W.P.No.30529 of 2022 and its dismissal. Sri G.V.Shivaji, learned counsel submitted that he has no knowledge of the previous W.P.No.30529 of 2022 and he was also not the counsel for the petitioner in W.P.No.29753 of 2024.

13. Be that as it may, from the case details, online, of the W.P.No.30529 of 2022, the said writ petition was dismissed as withdrawn. There is no material on record placed before us that the dismissal was as withdrawn with liberty to file any fresh petition. If any such liberty had been granted, the petitioner must have disclosed the same while filing the second writ petition. Instead, nothing has been disclosed about the previous W.P.No.30529 of 2022 nor about the dismissal of writ petition as withdrawn. Rather in para 11 of the affidavit, it has been mentioned that the petitioner has not filed any of the petition or initiated any of the legal proceedings seeking relief claimed in the present writ petition. Para 11 of the writ affidavit of W.P.No.29753 of 2024 reads as under:

> *"I have not filed any other petition or initiated any other legal proceedings seeking the relief claimed in the present petition."*

14. We are, therefore, of the view that the Writ Petition No.29753 of 2024 was filed without disclosing the previous Writ Petition No.30529 of 2022. The same was dismissed as withdrawn. Any liberty to file fresh writ petition not having been shown to us, fresh Writ Petition No.29753 of 2024 was itself, not maintainable. The interim order was granted in the writ petition as mentioned above, directing the petitioner to file the representation on acquittal of the petitioner in the criminal case and the 3rd respondent was directed to dispose of the same. The said interim order in our view was the result of suppression of material facts which the petitioner was bound to disclose. Though the representation was disposed of on 03.01.2025, we are of the

further view that the writ petition itself being not maintainable, in the present writ appeal, this Court will not enter into merits of the submissions relating to the order of removal etc. If the petitioner had disclosed the correct facts, any such interim order would not have been passed.

15. The petitioner was acquitted prior to filing of the Writ Petition No.29753 of 2024. Consequently, the submission advanced by the learned counsel for the petitioner that the petition should have been decided on merits on the impugned order of punishment, is unsustainable. Since it has been brought to our notice, vide order of the 3rd respondent dated 03.01.2025, we do not find any illegality in the order passed by the learned Single Judge. Further, the learned Single Judge has already granted opportunity to the petitioner to raise any grievance, with respect to the order dated 03.01.2025 which has been passed on his representation.

16. With the said liberty as granted to challenge the order dated 03.01.2025, in accordance with law, if so advised, but with the rider that any such challenge shall be confined to the order dated 03.01.2025 and shall not be to the order of punishment on any ground except the subsequent fact of petitioner's acquittal, we dismiss the writ appeal and impose costs for suppression of the material fact in the Writ Petition No.29753 of 2024 as also in the present writ appeal. Costs of Rs.50,000/- shall be deposited by the writ appellant before the High Court Legal Services Committee, High Court of Andhra Pradesh, within a period of four (04) weeks.

17. The Writ Appeal is dismissed with costs.

As a sequel thereto, miscellaneous petitions, if any pending, shall also stand closed.

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RAVI NATH TILHARI, J

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ALAPATI GIRIDHAR, J

Date: 02.11.2026

Note: LR copy to be marked

(B/o)

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THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI
AND

THE HONOURABLE SRI JUSTICE ALAPATI GIRIDHAR

WRIT APPEAL NO: 1002/2026

Date: 02.11.2026

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