

HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI

MAIN CASE: W.P.No.152 of 2023

PROCEEDING SHEET

Sl.No.	DATE	ORDER	Office Note
01.	03.01.2023	<u>BKM, J</u> Heard the learned Senior Counsel for the petitioner. The learned Government Pleader for Law and Legislative affairs takes notice for the respondent Nos. 1 to 3. The learned Government Pleader for Home appears for the respondent No. 4. The learned Counsel for the petitioner is permitted to take out personal notice to the respondent No. 5 and proof of service shall be filed within a period of three (3) weeks from today. The learned Senior Counsel for the petitioner submits that the petitioner is initially appointed as Special Public Prosecutor to conduct POCSO Cases Under Section 32 (1) of POCSO Act, 2012 vide G.O.R.T. No. 1104 dated 13.12.2019 for a period of three (3) years from the date of taking charge or till the termination of his service whichever is earlier with a consolidated honorarium of Rs. 40,000/- (Rupees Forty Thousand only) per month in	

		terms of the orders issued in G.O.RT No. 975 dated 26.10.2018. Since there were earlier Writ petitions filed by the predecessor in the office in W.P. Nos. 272 of 2020 and 285 of 2020, the petitioner could not take the charge immediately. However, after vacation of the interim orders therein, the petitioner took charge as Special Public Prosecutor as per his appointment orders dated 31.12.2019 on 01.04.2021 and ever since, he has been discharging his duties in the said office. While so, the government also clarified vide Memo dated 01.12.2022 to the effect that his services can be continued up to 31.03.2024 as he took charge in the said office on 01.04.2021 only. Surprisingly, the impugned proceedings vide Memo dated 28.12.2022 and consequential order in G.O.RT No. 1238 dated 28.12.2022 are issued by the respondent No. 1 appointing the respondent No. 5 as the Special Public Prosecutor in the place of the petitioner herein without terminating the services of the petitioner by following the due procedure. The learned Senior Counsel for the petitioner contends that the Memo issued by the respondent No. 1 dated 28.12.2022 is nothing but an act of non application of mind	
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	and subsequent appointment orders issued in favour of the respondent No. 5 is without examining the petitioner's case by following the relevant rules and as well as the appointment order given in favour of the petitioner. On the other hand, the learned Government Pleader for Home submits that the respondent no. 5 appears to have taken charge by virtue of the proceedings of G.O. Rt No.1238 dated 28.12.2022. However the learned Government Pleader for Home is directed to file a detailed counter. As there is no other reason forthcoming to terminate the services of the petitioner explicitly and as there are no sufficient reasons for passing the above said impugned orders this Court is inclined to keep the impugned proceedings of the respondent No. 1 dated 28.12.2022 and the G.O. Rt No. 1238 dated 28.12.2022 in abeyance, pending further orders. Even assuming that the respondent no. 5 has given a letter showing assumption of charge, the same cannot be taken cognizance at this stage as the impugned proceedings are kept in abeyance, pending further orders.	
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