



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

[3488]

TUESDAY, THE TWENTY THIRD DAY OF JULY
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE R RAGHUNANDAN RAO

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION NO: 16504/2023

Between:

Tolla Geetha

...PETITIONER

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1. SRIDEVI JAMPANI

Counsel for the Respondent(S):

1. THE ADVOCATE GENERAL

The Court made the following order: *(per Hon'ble Sri Justice R. Raghunandan Rao)*

The husband of the petitioner was working as a constable at 14th battalion, AP SP. He had appeared for roll call for duties on 22.07.2012 and was not seen thereafter. The petitioner has moved this Court by way of this Writ Petition in 2023 seeking a Writ of Habeas Corpus to be issued to the official respondents to produce her husband.

2. The petitioner contends that the officers of the 6th respondent came to her house, after the disappearance of her husband, they took some

signatures on some papers which she had signed without knowing what they were about. Thereafter, she said to have been approached the 6th respondent several times and had left for her parent's house in Mumbai where she was treated for some illnesses. At that stage, the petitioner sought financial aid which was refused.

3. The petitioner is said to have made a representation to the 6th respondent on 18.08.2020 and 04.09.2020 to consider her case for financial assistance. Thereupon, the petitioner received a memo dated 31.08.2020 from the 6th respondent informing her that her husband had been removed from service on 07.02.2015 and directed her to submit a fresh indemnity bond, FIR copy as well as not traced certificate by concerned police station duly attested by the gazetted officer.

4. The petitioner is then said to have made an attempt to register a person missing case in B.K.Samudram police station, Ananthapuram and an FIR was registered after intervention by the Superintendent of Police under the spandana program. She contends that this FIR was registered under Crime No.237 of 2020 on 22.09.2020 did not move forward and the FIR was transferred to the Tadipatri police station and the case was renumbered as Crime No.318 of 2021 at Tadipatri police station. Subsequently, she approached the Superintendent of Police as well as the Judicial I Class Magistrate, Tadipatri and the local Member of Legislature Assembly for assistance in the matter.

5. As no progress was being made in tracing out her husband, she filed the present Writ Petition.

6. Heard M/s. Jampani Sridevi, learned counsel for the petitioner and Sri T.V.Suman, learned Assistant Government Pleader appearing on behalf of the office of the learned Advocate General.

7. After the filing of the Writ Petition, a counter has been filed by the 6th respondent, in which, it is stated that the husband of the petitioner had absented himself from duties with effect from 11.02.2012 and had thereafter being treated as a deserter and a desertion order had been passed on 11.02.2012 itself. Subsequently, a desertion order in D.O.No.264/2012 dated 06.03.2012 came to be issued. Thereafter, the husband of the petitioner again reported before the Commandant, 14th Battalion, AP SP, Tadipatri on 19.04.2012 requesting that he be taken on duty. At his request, the husband of the petitioner was taken back on duty on 19.04.2012 and issued a duty order dated 30.04.2012.

8. A memorandum of charge dated 26.06.2012 was issued to the husband of the petitioner stating that he had been declared as a deserter with effect from 11.02.2012 and was called upon to explain his absence between 11.02.2012 to 19.04.2012. After this charge memo, the husband of the petitioner did not submit any explanation. Thereafter, the reminders memo dated 23.07.2012, 17.09.2012 & 01.11.2012 have issued were seeking his explanation. As no explanation was forthcoming, a report was called for in this regard. Accordingly, a report dated 15.01.2013 was filed stating that the

husband of the petitioner was not available in his house or the village when a special messenger sought to serve the memos on the husband of the petitioner and that the reminder memos have been served on the petitioner herein on 11.01.2013.

9. After detailing further proceedings and after examining the petitioner herein, the matter is given closer by imposing the penalty of removal from service by the proceedings dated 07.02.2015 and the same was sent to the petitioner who acknowledged receipt of the proceedings on 01.03.2015 in the presence of the uncle of her husband who would also happen to be a retired Assistant Sub-Inspector of Police.

10. The 6th respondent also states that the petitioner had never approached the 6th respondent for a period of eight years before filing a complaint before a police station in the year 2020.

11. The 5th respondent who is the Station House Officer, Tadipatri Police Station had filed a counter stating that various attempts were made to locate the missing person without any success. The counter of the 5th respondent also states the various attempts made to locate the missing husband of the petitioner including steps taken for approaching the Doordarshan Kendra for broadcasting the details of the missing person etc.

12. In the circumstances, keeping the present Writ of Habeas Corpus alive would not serve any purpose.

13. Accordingly, this Writ Petition is disposed of with a direction to the 5th respondent to inform the petitioner as and when any information is obtained as to the whereabouts of her husband. There shall be no order as to costs.

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

R. RAGHUNANDAN RAO, J.

HARINATH.N, J.

BSM

HONOURABLE SRI JUSTICE R RAGHUNANDAN RAO

AND

HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION No.16504 OF 2023

(per Hon'ble Sri Justice R. Raghunandan Rao)

Date: 23.07.2024

BSM