

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

MONDAY, THE TWENTY FIRST DAY OF AUGUST,
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 20095 OF 2023

Between:

1. P. Bala Babji S/o Harinadh
Aged 50 Years, Occ. : Proh.&ExciseConstable,
D C Flying Squad, Visakhapatnam,
Visakhapatnam District, Andhra Pradesh.
2. G.Appala SwamyS/o Chinna Rao
Aged 53 Years, Occ. : Proh.&ExciseHead Constable,
APSBCL Depot-I,Anadapuram, Visakhapatnam,
Visakhapatnam District, Andhra Pradesh.
3. J. Sudha W/o V. Srinu
Aged 30 Years, Occ. : Proh.&ExciseConstable,
APSBCL Depot-I,Anadapuram, Visakhapatnam,
Visakhapatnam District, Andhra Pradesh.
4. Chatri Venkateswara Singh S/o Satyannarayana
Aged 35 Years, Occ. : Proh.&ExciseConstable,
D C Flying Squad, Visakhapatnam,
Visakhapatnam District, Andhra Pradesh.
5. Bala GayatriW/o Late B. Srinivasa Rao
Aged 43 Years, Occ. : Proh.&ExciseConstable,
APSBCL Depot-II, Jerripothulapalem, Visakhapatnam,
Visakhapatnam District, Andhra Pradesh.
6. Palla Rambabu S/o LateSomaraju
Aged 31 Years, Occ. : Proh.&ExciseConstable,
APSBCL Depot, Anakapalli, Anakapalli District,
(Old Visakhapatnam District), Andhra Pradesh.
7. Degala KumarS/o D. Subbamani
Aged 52 Years, Occ. : Proh.&ExciseConstable,
APSBCL Depot, Anakapalli, Anakapalli District,
(Old Visakhapatnam District), Andhra Pradesh.
8. Vanamu ApparaoS/o Ramu Naidu
Aged 51 Years, Occ. : Proh.&ExciseConstable,
D C Flying Squad, Visakhapatnam,
Visakhapatnam District, Andhra Pradesh.
9. Reddy Demudu Naidu S/o Appala Naidu
Aged 49 Years, Occ. : Proh.&ExciseConstable,
APSBCL Depot, Anakapalli, Anakapalli District,
(Old Visakhapatnam District), Andhra Pradesh.

10. Lagudu Simhachalam Naidu S/o Pedda Appalanaidu
Aged 51 Years, Occ. : Proh.&Excise Constable,
APSBCL Depot, Anakapalli, Anakapalli District,
(Old Visakhapatnam District), Andhra Pradesh.

11. A. Gopala Rao S/o Appala Naidu
Aged 51 Years, Occ. : Proh.&Excise Constable,
APSBCL Depot, Anakapalli, Anakapalli District,
(Old Visakhapatnam District), Andhra Pradesh.

12. Patnana Krishna Murthy S/o Late Apparao
Aged 50 Years, Occ. : Proh.&Excise Constable,
D C Flying Squad, Visakhapatnam,
Visakhapatnam District, Andhra Pradesh.

13. K. Sankara Narayana S/o Sanyasi Naidu
Aged 50 Years, Occ. : Proh.&Excise Constable,
D C Flying Squad, Visakhapatnam,
Visakhapatnam District, Andhra Pradesh.

14. G. Radha W/o Srinivasa Reddy
Aged 34 Years, Occ. : Proh.&Excise Constable,
APSBCL Depot, Anakapalli, Anakapalli District,
(Old Visakhapatnam District), Andhra Pradesh.

15. G.A. Rama Krishna S/o Venkat Rao,
Aged 50 Years, Occ. : Proh.&Excise Constable,
APSBCL Depot-I, Anadapuram, Visakhapatnam,
Visakhapatnam District, Andhra Pradesh.

16. Sikala Pavana Murthy S/o Late Satyanarayana
Aged 50 Years, Occ. : Proh.&Excise Constable,
APSBCL Depot, Anakapalli, Anakapalli District,
(Old Visakhapatnam District), Andhra Pradesh.

17. Pulagarapu Appa Rao S/o Narayudu,
Aged 60 Years, Occ. : Proh.&Excise Head Constable,
APSBCL Depot-II, Jerripothulapalem, Visakhapatnam,
Visakhapatnam District, Andhra Pradesh.

18. B. Nageswara Rao S/o Paidi Naidu,
Aged 58 Years, Occ. : Proh.&Excise Constable,
APSBCL Depot-II, Jerripothulapalem, Visakhapatnam,
Visakhapatnam District, Andhra Pradesh.

19. G. Satyanarayana S/o Late Veeraraghavulu,
Aged 55 Years, Occ. : Proh.&Excise Constable,
APSBCL Depot, Anakapalli, Anakapalli District,
(Old Visakhapatnam District), Andhra Pradesh.

20. Ambidi Kondayya S/o Ponnalu,
Aged 61 Years, Occ. : Proh.&Excise Head Constable,
APSBCL Depot, Anakapalli, Anakapalli District,
(Old Visakhapatnam District), Andhra Pradesh.

21. V. Gopala Rao, S/o Narasimhulu, Aged 55 Years, Occ. Proh. and Excise, Constable, APSBCL Depot, Anakapalli, Anakapalli District, (Old Visakhapatnam District), Andhra Pradesh.
22. Bonela Venkati, S/o B. Parayya, Aged 52 Years, Occ. . Proh. and Excise Constable, APSBCL Depot, Anakapalli, Anakapalli District, (Old Visakhapatnam District), Andhra Pradesh.
23. N. Raju, S/o Surya Rao Aged 45 Years, Occ. Proh. and Excise, Head Constable, APSBCL Depot-I, Anadapuram,

...Petitioners

AND

1. The State of Andhra Pradesh, Rep. by its Special Chief Secretary Revenue (Excise) Department A.P. Secretariat, Velagapudi, Amaravati, Guntur District.
2. The Commissioner of Prohibition and Excise, Andhra Pradesh, Vijayawada N.T.R. District
3. The Commissioner, Special Enforcement Bureau, Andhra Pradesh, Mangalagiri, Guntur District.
4. The District Prohibition and Excise Officer, Visakhapatnam District, Visakhapatnam, AP.

...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 may be pleased to issue a writ, order or direction more particularly one in the nature of a writ of mandamus declaring the action of the 1st respondent in issuing G.O. Rt No. 678 Revenue (Excise) Department dated 31-07-2023 wherein formulating the guidelines for allocation of Head Constables and Constables between Special Enforcement Bureau and Prohibition and Excise Department and vice versa and consequential proceedings vide C.R.No. 2116/2023 / CPE/A1-3 dated 01-08-2023 of the 2nd respondent wherein allotted the petitioners to Special Enforcement Bureau is illegal, arbitrary, unjust and violation of Article 14 and 16 of the constitution of India and consequently set aside the same by directing the respondents to permit the petitioners to continue in Prohibition and Excise Department.

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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 G.O. Rt No. 678 Revenue (Excise) Department dt 31-07-2023 and consequential proceedings vide C.R.No. 2116/2023/ CPE/A1-3 dated 01-08-2023 of the 1st and 2nd respondents in so far as the petitioners are concerned and continue them in Prohibition & Excise Department, Pending disposal of WP 20095 of 2023, 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 the order of the High Court dated 08.08.2023 & 18.08.2023 made herein and upon hearing the arguments of M/s. Kavitha Gottipati, Advocate for Petitioner and of GP for Excise for Respondents, the Court made the following

ORDER:

"At request of learned counsel for the petitioner/s, post the matter on 25.08.2023 under the caption 'for hearing' as a final chance.

It is made clear that no further adjournment would be granted either to the learned counsel for the petitioner or to the learned Government Pleader/s.

Interim order granted earlier is extended till then."

//TRUE COPY//

For

Sd/- P. VENKATA RAMANA
JOINT REGISTRAR
SECTION OFFICER

To,

1. One CC to M/s. Kavitha Gottipati Advocate [OPUC]
2. Two CCs to GP for Excise, High Court of Andhra Pradesh. [OUT]
3. One spare copy.

CVSS

HIGH COURT

VS,J

DATED:21/08/2023

ORDER

Post the matter on 25.08.2023 under the caption 'for hearing' as a final chance.

WP.No. 20095 of 2023

INTERIM ORDER EXTENDED

