

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: 20127 OF 2023

Between:

1. T. Veera Nagaiah S/o T. Pullaiah,
Aged 48 Years, Occ :Proh. & Excise Head Constable,
IMFL Depot, Madanapalli , Annamayya District.
2. K.Balaiah S/o Pullaiah,
Aged 54 Years,Occ: Proh. & Excise Head Constable,
IMFL Depot, Madanapalli, Annamya, District.
3. G.NagaRaju S/o Y.KishoreKumar,
Aged 48 Years,Occ:Proh.& Excise Head Constable,
IMFL Depot, Madanapalli, Annamayya District.
4. K.ChandraMohan S/o K.Siddaiah,
Aged 53 Years,Occ :Proh. & Excise Head Constable,
O/o Asst. Commissioner of Proh&Excise(Vigilance)
Chittoor District.
5. B.SwathiW/o GurunaadhaReddy,
Aged 32 Years,Occ: Proh. & Excise Constable,
IMFL Depot, Madanapalli, Annammayya District.
6. K.SivaraniW/o Venkataramana,
Aged 29 Years,Occ: Proh, & Excise Constable,
IMFL Depot, Madanapalli, Annamayya District.
7. K.Mounika W/o Kumar Reddy,
Aged 30 Years,Occ :Proh.& Excise Constable,
IMFL Depot, Madanapalli ,Annamayya District.
8. B.Rekha W/o Hariakrishna,
Aged 30 Years,Occ: Proh. & Excise Constable,
IMFL Depot, Madanapalli, Annamayya District.
9. Y.Kishore Kumar S/o Sankar Goud,
Aged 31 Years,Occ: Proh.& Excise Constable,
IMFL depot, Madanapalli, Annamayya District.
10. M.ChowdammaW/o KishoreKumar,
Aged:30 Years,Occ:Proh. & Excise Constable,
IMFL Depot, Madanapalli, Annamayya District.
11. G. Vijay Kumar S/o Krishnaiah,
Aged 27 years,Occ:Proh. & Excise Constable,
O/o Asst.Commissioner of Proh. & Excise (Vigilance)
Chittoor , Chittoor Dist.

12. K.Chalapathi S/o Nagaiah,
aged 35 Years, Occ: Proh. & Excise Constable,
O/o Asst. Commissioner of Proh. & Excise (Vigilance)
Chittoor, Chittoor District.
13. K.Mani Megala W/O Lingappa,
aged:29 Years, Occ: Proh. & Excise Constable,
O/o Asst. Commissioner, Distilleries, Tirupathi.
Tirupathi District
14. B.Vijay S/o Venkataramana,
Aged 35 Years, Occ: Proh. & Excise Constable,
O/o Asst. Commissioner of Proh. & Excise (Vigilance)
Chittoor, Chittoor District
15. B.Naresh Rao S/o B.Rama Rao,
Aged 31 Years, Occ: Proh. & Excise Constable,
O/o Asst. Commissioner of Proh. & Excise (Vigilance)
Chittoor, Chittoor District
16. K. Appa Rao S/o Ganga Raju,
Aged 59 Years, Occ: Proh. & Excise Head Constable,
Capricorn Distilleries, Annadevarapeta(V), Tallapudi,
Eluru District.
17. G.Suryasekhar S/o Narayana,
Aged 53 Years, Occ: Proh. & Excise Head Constable,
M/S Gowatham Agro Distilleries, Vangauru, Eluru District.
18. G.Srinu, S/o Harinadh,
Aged 58 Years, Occ: Proh. & Excise Head Constable,
IMFL Depot, Rajamahendravaram, E.G. District
19. S.Anilkumar S/o Suryanarayana(Late),
Aged 43 Years, Occ: Proh. & Excise Head Constable,
M/s Soaring Spirits PVT, Ltd, Chebrolu, Eluru District.
20. G.Naga Raju S/o Gopala Rao,
Aged 37 Years, Occ: Proh. & Excise Constable,
M/s Soaring Spirits PVT, Ltd, Chebrolu, Eluru District.
21. G.Sruthi D/o G.M.Naidu,
Aged 29 Years, Occ: Proh. & Excise Constable,
M/s Soaring Spirits PVT, Ltd, Chebrolu, Eluru District.
22. M.Sudhakar Kumar S/o Sriramulu,
Aged 52 Years, Occ: Proh. & Excise Constable,
IMFL Depot, IMFL Depot, Rajamahendravaram,
East Godavari District
23. B.Sreenivasulu Goud S/o /Anjaneyulu Goud,
Aged 51 Years, Occ: Proh. & Excise Constable,
IMFL Depot, Kurnool, Kurnool District

24. Ch.V.V.Suryanarayana S/o Surya Nageswara Rao(Late),
Aged 35 Years, Occ : Proh. & Excise Head Constable,
APSBCL, IMFL Depot, Anakapalli, Anakapalli District
25. K.RamuNaidu S/o Chellalyya,
Aage: 57 Years, Occ: Proh. & Excise Head Constable,
APSBCL, IMFL Depot, Anakapalli, Anakapalli District
26. S.Venkata Rao S/o Demudubabu(Late),
Aged 52 Years, Occ : Proh. & Excise Constable,
APSBCL, IMFL Depot, Anakapalli, Anakapalli District.
27. M. Satyanarayana S/o Sambasiva Rao,
Aged 52 Years, Occ : Proh. & Excise Constable,
APSBCL, IMFL Depot, Anakapalli, Anakapalli District
28. P.Kristappa S/o Govindappa,
Age 54 Years, Occ : Proh. & Excise Head Constable,
APSBCL, IMFL Depot, Ananthapuram, Ananthapuram Dist.
29. L.Viswanath S/o Chinnamallappa,
Aged 60 years, Occ : Proh. & Excise Head Constable,
APSBCL, IMFL Depot, Ananthapuram, Ananthapuram Dist.
30. C.Mutyalappa S/o Naaarayanappa,
Aged 61 Years, Occ : Proh. & Excise Head Constable,
APSBCL, IMFL Depot, Ananthapuram, Ananthapuram Dist.
31. A.Venkateswaarulu S/o Subbaiah,
Aged 61 Years, Occ : Proh. & Excise Head Constable,
O/o Asst. Commissioner, Vigilance Proh. & Excise,
Ananthapuram, Ananthapuram District.
32. T.Suresh Babu S/o Nagappa,
Aged 51 Years, Occ : Proh. & Excise Head Constable,
APSBCL, IMFL Depot, Ananthapuram, Ananthapuram Dist.
33. P.Raju S/o Anjaneyulu,
Aged 53 Years, Occ : Proh. & Excise Constable,
APSBCL, IMFL Depot, Ananthapuram, Ananthapuram Dist.
34. T.Hariyanna, S/o Anjinappa,
Aged 51 Years, Occ : Proh. & Excise Constable,
APSBCL, IMFL Depot, Ananthapuram, Ananthapuram Dist.
35. K.Krishnamurthy S/o K,Naarayana,
Aged 52 Years, Occ : Proh. & Excise Constable,
APSBCL, IMFL Depot, Ananthapuram, Ananthapuram Dist.
36. N.Kesava Naidu S/o Subbarayudu,
Aged 38 Years, Occ : Proh. & Excise Constable,
APSBCL, IMFL Depot, Ananthapuram, Ananthapuram Dist.
37. R.DevendraNaik S/o A.Venkesulu,
Aged 35 Years, Occ : Proh. & Excise Constable,
APSBCL, IMFL Depot, Ananthapuram, Ananthapuram Dist.

38. M. Sudhakar Reddy S/o Govinda Reddy,
Aged 36 years, Occ: Proh. & Excise Constable,
APSBCL, IMFL Depot, Ananthapuram, Ananthapuram Dist.

39. K. Siva Kumar S/o K. Naga Raju,
Aged 33 Years, Occ: Proh. & Excise Constable,
APSBCL, IMFL Depot, Ananthapuram, Ananthapuram Dist.

40. Sd. Mahaboob Basha S/o Mahaboob
Aged 55 Years, Occ: Proh. & Excise Constable,
APSBCL, IMFL Depot, Markapur, Prakasam Dist. ...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 & Excise
Andhra Pradesh, Vijayawada, N.T.R. District

3. The Commissioner, Special Enforcement Bureau,
Andhra Pradesh, Mangalagiri,
Guntur District

4. The District Prohibition & Excise Officer,
Chittoor District, Chittoor, Andhra Pradesh

5. The District Prohibition & Excise Officer,
West Godavari District, Bhimavaram, AP

6. The District Prohibition & Excise Officer,
East Godavari District, Rajahmundry, AP

7. The District Prohibition & Excise Officer,
Kurnool District, Kurnool, AP

8. The District Prohibition & Excise Officer,
Visakhapatnam District, Visakhapatnam, AP

9. The District Prohibition & Excise Officer,
Ananthapuram District, Ananthapuram, 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 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 dt 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 & 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 to suspend the operation of G.O. Rt No. 678 Revenue (Excise) Department dated 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 20127 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 orders 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.

Sd/- P. VENKATA RAMANA
JOINT REGISTRAR

//TRUE COPY//

A

For AS _____ 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.

PSK

HIGH COURT

VS, J

DATED: 21/08/2023

ORDER

POST THE MATTER ON 25.08.2023 UNDER THE CAPTION FOR HEARING AS
FINAL CHANCE

WP.No. 20127 of 2023

INTERIM ORDER EXTENDED

