

[3329]

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

**THURSDAY, THE TENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY THREE**

:PRESENT:

**THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA
WRIT PETITION NO: 20361 OF 2023**

Between:

1. Swarna Chinna Malakondaiah, S/o S. Malakondaiah, Age 51 years, P and EHC, MP Sugars, Naidupeta, Tirupathi District, A.P.
2. Pasupuleti Subramanyam, S/o P. Nagaraju, Age 40 years, P and EHC, MP Sugars, Naidupeta, Tirupathi District, A.P.
3. Obbu Malikarjunaiah, S/o O. Chenchiah, Age 50 years, P and EC, MP Sugars, Naidupeta, Tirupathi District, A.P.
4. Akkisetty Siddaiah, S/o Pedda Subbaiah, Age 52 years, P and EC, MP Sugars, Naidupeta, Tirupathi District, A.P.
5. Gunji Venkata Ramanaiah, S/o Venkaiah, Age 48 years, P and EC, MP Sugars, Naidupeta, Tirupathi District, A.P.
6. Papisetty Mahesh, S/o P. Chakrapani, Age 33 years, Jr. Asst., Office of District Proh. and Excise Officer, Nellore, Andhra Pradesh.
7. Alahari Sagarika, W/o M.V. Ashok Kumar, Age 38 years, Jr. Asst., Office of District Proh. and Excise Officer, Nellore, Andhra Pradesh.

Petitioners

AND

1. The State of AP, Rep by its Special Chief Secretary to Government, Revenue (Excise) Department, Secretariat Building, Velagapudi, Amaravati, Guntur District, A.P.
2. The Commissioner of Prohibition and Excise, State of Andhra Pradesh, Vijayawada.
3. The Commissioner, Special Enforcement Bureau, State of Andhra Pradesh, DGP Complex, Mangalagiri, Guntur District, A.P.
4. The Director General of Police and Ex-Officio, Principal Secretary to Government, General Administration Department, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District, A.P.
5. The Andhra Pradesh Prohibition and Excise and Executive Officers Association, Represented by its President, Vijayawada, Krishna District, A.P. (Service through Commissioner of Prohibition and Excise, Vijayawada, Krishna District).

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 grant appropriate relief, more in the nature of a Writ of Mandamus under Article 226 of the Constitution of India, declaring the action of the Respondents in taking steps to allot the Petitioners to Special Enforcement Bureau (SEB) in pursuance of G.Os. Rt. No.678 and 679, Revenue Department, dated 31-07-2023 as arbitrary, illegal, discriminatory, malafide, without jurisdiction and unconstitutional violating Articles 14, 16 and 21 of the Constitution of India apart from contrary to A.P. Public Employment (Organization of Local Cadre and Regulation of Direct Recruitment)

Orders, 1975 as well as A.P. State and Subordinate Service Rules, and issue consequential directions restraining the Respondents from allotting the Petitioners to Special Enforcement Bureau (SEB) department in pursuance of G.Os. Rt. No.678 and 679, Revenue Department, dated 31-07-2023 and further direct the Respondents to continue the Petitioners in the Prohibition and Excise Department.

IA NO: 1 OF 2023

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 direct the Respondents not to allot the Petitioners to the Special Enforcement Bureau (SEB) in pursuance of G.Os. Rt. No.678 and 679, Revenue Department, dated 31-07-2023 issued by the 1st Respondent with a direction to continue the Petitioners in the Prohibition & Excise Department, Pending disposal of WP 20361 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 upon hearing the arguments of Sri P V KRISHNAIAH Advocate for the Petitioner and of GP FOR SERVICES I for the Respondent Nos. 1 to 5, the Court made the following

ORDER

"List this matter on 18.08.2023 along with Writ Petition No. 19439 of 2023.

The respondents are directed to maintain status -quo as on today, till the next date of hearing."

Sd/- G. HELA NAIDU
ASSISTANT REGISTRAR

//TRUE COPY//

For SECTION OFFICER

To,

1. The Special Chief Secretary to Government, Revenue (Excise) Department, Secretariat Building, Velagapudi, Amaravati, Guntur District, A.P.
2. The Commissioner of Prohibition and Excise, State of Andhra Pradesh, Vijayawada.
3. The Commissioner, Special Enforcement Bureau, State of Andhra Pradesh, DGP Complex, Mangalagiri, Guntur District, A.P.
4. The Director General of Police and Ex-Officio, Principal Secretary to Government, General Administration Department, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District, A.P.
5. The President, Andhra Pradesh Prohibition and Excise and Executive Officers Association, Vijayawada, Krishna District, A.P. (Service through Commissioner of Prohibition and Excise, Vijayawada, Krishna District). (Addressess 1 to 5 by RPAD)
6. One CC to SRI. P V KRISHNAIAH Advocate [OPUC]
7. Two CCs to GP FOR SERVICES I, High Court Of Andhra Pradesh. [OUT]
8. One spare copy.

psk

HIGH COURT

NVJ

DATED:10/08/2023

LIST ON 18.08.2023 ALONG WITH WP No. 19439 of 2023.

ORDER

WP.No.20361 of 2023

DIRECTION

