

IN THE HIGH COURT OF ANDHRA PRADESH: AT AMARAVATI

WRIT PETITION NO: 6584/2006

Between

THE EXECUTIVE ENGINEER, PANCHAYAT RAJ (RWS) DIVISION,
CHITTOOR DISTRICT, CHITTOOR AND 2 OTHERS

... Petitioners

AND

B.NARASIMHA RAJU, S/O.B.ANJANAPPA,
AGED ABOUT 58 YEARS, MECHANIC GRADE-I,
O/O.DY.EXECUTIVE ENGINEER, CENTRAL
STORES AND INVESTIGATION (CS&I) SUB-
DIVISION, CHITTOOR, CHITTOOR DISTRICT

.. Respondent

DATE OF JUDGMENT PRONOUNCED: 16.07.2026

THE HON'BLE SRI JUSTICE RAVI NATH TILHARI

AND

THE HON'BLE SRI JUSTICE SUBHENDU SAMANTA

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|----|--|--------|
| 1. | Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2. | Whether the copies of judgment may be marked to Law Reports/Journals? | Yes/No |
| 3. | Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment? | Yes/No |

RAVI NATH TILHARI, J

SUBHENDU SAMANTA, J

*** THE HON'BLE SRI JUSTICE RAVI NATH TILHARI
AND
THE HON'BLE SRI JUSTICE SUBHENDU SAMANTA**

+ WRIT PETITION NO: 6584/2006

% DATE: 16.07.2026

**# THE EXECUTIVE ENGINEER, PANCHAYAT RAJ (RWS) DIVISION,
CHITTOOR DISTRICT, CHITTOOR AND 2 OTHERS**

... Petitioners

Vs.

**\$ B.NARASIMHA RAJU, S/O.B.ANJANAPPA,
AGED ABOUT 58 YEARS, MECHANIC GRADE-I,
O/O.DY.EXECUTIVE ENGINEER, CENTRAL
STORES AND INVESTIGATION (CS&I) SUB-
DIVISION, CHITTOOR, CHITTOOR DISTRICT**

.. Respondent

**! Counsel for the petitioners : GP FOR SERVICES II
GP FOR SERVICES IV**

^Counsel for respondent : SRI K.RAM REDDY

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➤ Head Note:

? CASES REFERRED:

Date of reserved for orders : 02.07.2026
 Date of pronouncement : 16.07.2026
 Date of uploading : 17.07.2026

APHC010529952006



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

[3562]

THURSDAY, THE 16th DAY OF JULY 2026.

PRESENT

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI

THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA

WRIT PETITION NO: 6584/2006

Between:

- 1.THE EXECUTIVE ENGINEER, PANCHAYAT RAJ (RWS) DIVISON,
CHITTOOR DISTRICT, CHITTOOR
- 2.THE SUPERINTENDING ENGINEER, PANCHAYAT RAJ (RWS)
DIVISION, CHITTOOR, CHITTOOR DISTRICT
- 3.THE ENGINEER-IN-CHIEF, PANCHAYAT RAJ, HYDERABAD.

...PETITIONER(S)

AND

B.NARASIMHA RAJU, S/o.B.Anjanappa, Aged about 58 years, Mechanic Grade-I, O/o.Dy.Executive Engineer, Central Stores and Investigation (CS&I) Sub-Division, Chittoor, Chittoor District

...RESPONDENT

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 an appropriate writ order or direction more particularly one in the nature of writ of certiorari calling for the records relating to the orders of the Hon`ble A.P. Administrative Tribunal passed in OA.No.6692/2000 dated 6.12.2005 as being erroneous illegal, and unreasonable and quash the same and pass

IA NO: 1 OF 2006 (WVMP 1097 OF 2006)

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 vacate the interim orders dt. 4-4-2006 in WPMP No. 8428 of 2006 in WP NO. 6584 of 2006

IA NO: 2 OF 2006(WPMP 8428 OF 2006)

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 orders of the A.P. Administrative Tribunal passed in OA.No.6692/2000 dated 6.12.2005 pending disposal of the writ petition and pass such other order or orders as deemed fit and proper in the circumstances of the case.

IA NO: 3 OF 2006(WPMP 24674 OF 2006)

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 expedite hearing of the writ petition by fixing an early date in the interest of justice and to pass

Counsel for the Petitioner(S):

- 1.GP FOR SERVICES II
- 2.GP FOR SERVICES IV

Counsel for the Respondent:

- 1.K RAM REDDY

The Court made the following Order: *(Per Hon'ble Sri Justice Subhendu Samanta)*

Instant Writ Petition is preferred challenging an order dated 06.12.2005 passed by Hon'ble A. P. Administrative Tribunal in O.A.No.7689 of 1999 and O.A.No.6692 of 2000.

2. Factual Matrix:-

Respondent in writ petition, shall be referred as “applicant” hereinafter. Applicant was working as Mechanical Grade-I under jurisdiction and control of the writ petitioners. He joined the department in the year 1973. He fell sick and proceeded on medical leave for a period from 01.06.1985 to 16.07.1987. After recovering from his illness, he submitted his joining report to the petitioners by the strength of a fitness certificate on 17.07.1987. He was not admitted into duty by the authorities, which lead to the applicant to file O.A.No.1183 of 1999 before the learned A.P. Administrative Tribunal (for short, the ‘Tribunal’). The Tribunal disposed of the said O.A.No.1183 of 1999 directing 2nd petitioner to examine representation of the applicant in accordance with rules. Ultimately applicant was given posting order vide proceedings dated 11.05.1999 and joined on duty on 11.05.1999. The period after medical leave on 16.07.1987 till his re-posting and subsequent joining the post on 11.05.1999 was yet to be regularized and the applicant is being drawn a minimum scale attached to the post, by challenging the inaction of the petitioners, applicant approached the Tribunal vide O.A.No.7689 of 1999.

3. During pendency of O.A.No.7689 of 1999, the Executive Engineer/1st petitioner has rejected the claim of the applicant vide order dated 29.03.2000,

which lead the applicant to file another O.A.No.6692 of 2000. The learned Tribunal disposed of the said O.A.No.6692 of 2000 directing the petitioners to consider the representation of the applicant. Aggrieved by the same, the present petitioners filed W.P.No.7308 of 2005. In the said writ petition, the composite High Court set aside the order passed by learned Tribunal and remanded the matter back to the Tribunal for fresh disposal of O.A.No.6692 of 2000 along with O.A.No.7689 of 1999. The Tribunal has heard both the O.As and thereby allowed both the O.As. with a direction to the present petitioners to issue sanction orders treating the period from 01.06.1985 to 16.07.1987 as medical leave and regulate the period accordingly as per eligibility of the applicant and also directed to issue necessary order regulating the period of absence of applicant from 17.07.1987 to 11.05.1999 as duty. The petitioners are also further directed to extend benefit of revised pay scale 1986 and subsequent revised pay scale sanctioned to the government employees and issue orders accordingly refixing his pay.

4. Being aggrieved by impugned order of learned Tribunal, instant writ petition has been preferred.

5. **Submissions of Petitioners:**

Petitioners are represented by learned Assistant Government Pleader for Services-II. It is submitted that while working in the office of Deputy Executive Engineer, P.R.Sub-division, Tirupathi, applicant did not attend to duties from 01.06.1985 and after two years on 16.07.1987 he reported before the Deputy Executive Engineer for posting orders and requested permission to

join duty. Since he has not submitted any leave application from 01.06.1985 and joined duty after a long period of 2 years, Executive Engineer (Panchayat Raj), Tirupati referred the matter to Medical Council and applicant was directed to appear before the Medical Council. Though applicant did not appear as per direction, but finally he was appeared on 15.07.1988. After careful examination of applicant, the medical board found that applicant's cardiovascular status is normal and his eyes condition is also normal. As per opinion of the medical board, it is clear that he was not suffering from any hypertension as certified by the doctor, which was placed by the applicant at the time of seeking joining to the duties. Thus, the absence of applicant is unauthorized, his duty cannot be regularized for that period. After report of the Medical Board, applicant did not join the duties. However, after long 13 years, he filed O.A.No.1183 of 1999 before the learned Tribunal seeking for order of posting. The said O.A. was disposed of on 11.03.1999 directing Superintendent Engineer (Panchayat Raj), Chittoor, to examine representation of applicant in accordance with the rules, based on the report of medical board. By virtue of the direction of learned Tribunal, the Executive Engineer has issued posting order to the applicant on 11.05.1999. It is the further contention of the petitioners that applicant absconded from his duties without applying any leave from 01.06.1985 to 16.07.1987 and made a representation only on 17.07.1987 seeking permission to join duty, therefore he was referred to Medical Board. It is further contended by the petitioners that absence of applicant from 01.06.1985 to 16.07.1987 was willful and deliberate and since 01.06.1985 to 11.05.1999 (date of joining duty), applicant has not discharged

any duty. Thus, petitioners issued orders by Memo No.A1/7689/99, dated 29.03.2000 with the observation as follows:

“...the Superintending Engineer, RWS, Chittoor has addressed a letter to the Engineer-in-Chief, Pr, Hyderabad stating that Sri B.N.Raju, Mechanic Gr.I, O/o.the Dy.Exe.Engineer, CS&I, Chittoor has applied Medical Leave from 1.6.1987 and after expiry of the Executive Engineer, PR, Thirupathi. The Exe.Engineer, PR, Thirupathi referred the case to the Medical Board. Accordingly, the individual went before the medical Board and he was examined and report was sent to the Executive Engineer PR, Thirupathi, by the Superintendent, S.V.R.R.Hospital, Thirupathi.

In the letter No.2977/MedII/G2/88, Dt.19-8-1988 of the Superintendent, SVRR Hospital, Tirupathi has stated that Sri B.N.Raju, Mechanic Grade-I has attended this Hospital on 12/7/88, 15/7/88 and 16/7/88 and after careful examination, he found that his cardiovascular status is normal, eye condition is normal. He is Malingerer as per opinion of the physician unit-II of his hospital.

In the reference second cited, the Engineer-in-chief, PRED, Hyderabad has also requested the Superintending Engineer, RWS, Chittoor issued a speaking orders to effect stating that Sri B.N.Raju., Mechanic Gr.I is not entitled for duty period under no work no pay system. Accordingly, the Superintendent Engineer, RWS, Chittoor has issued the instructions to issue the speaking orders to the effect that Sri B.N.Raju, Mechanic Grade-I is not entitled for duty period under no work no payment.

In view of the above higher-ups instructions and as per the report of the Superintendent, SVRR Hospital, Tirupathi, Sri B.N.Raju,

Mechanic Grade-I is not entitled for duty period under no work no pay for the period from 1.6.1985 to 10.5.1999.”

6. It is further contended that the learned Tribunal has grossly erred in directing to regulate the service of the applicant by treating period from 01.06.1985 to 11.05.1999 as on duty and to pay all wages. Hence, impugned orders of Tribunal are liable to be set aside. It is further contented that the act and action of applicant proved to be *mala fide* and he was willfully absconded from his duty without any leave. During entire period of his absence, he never intimated regarding reason of his non-joining duty, accordingly, the learned Tribunal should have dismissed the O.A. However, service of the applicant cannot be regularized applying the principle “no work no pay”.

7. Since respondent is not represented before this Court and no assistance was received from the respondent/applicant, we proceeded to dispose of the matter on merit.

8. After perusal of the impugned order, it appears to us that the learned Tribunal has, in fact, divided the entire period of absence from 01.06.1985 to 11.05.1999 in two parts, in the first part the period from 01.06.1985 to 16.07.1987 when the applicant was not joined duty due to medical reasons, and it was directed to treat the same period as medical leave of applicant. The period from 17.07.1987 to 11.05.1999 was also directed to be treated as on duty, since the applicant was not given chance to perform duty on that period.

9. Let we consider, “*whether the impugned order passed by the learned Tribunal is justified in attending facts and circumstances of this case?*”

10. In the first instance, when the applicant was on leave since 01.06.1985 to 16.07.1987, it is evident that at that time he has not filed any leave application to the petitioners, only he applied to join duty to the authority on 17.07.1987 with a medical certificate. Facts suggest that the applicant was not initially allowed to join duty but he was referred to medical board. From the certificate of medical board, it appears that the petitioner was not suffering from hypertension rather medical certificate, which was submitted by applicant at the time of joining duty, appears to the authority to be false one. It is also admitted fact that the applicant never challenged the medical certificate and challenged the proceeding conducted by the medical board regarding enquiry of his physical fitness. Thus, it is aptly clear that petitioner/applicant was absent from his duties since 01.06.1985 to 16.07.1987 without any leave application or without any reason of his medical illness. There are no reasons to believe that applicant was too ill to write a leave application in the entire period of absence. Thus, the learned Tribunal, while deciding such issue, has lost sight to look into the entire aspect to understand that the period from 01.06.1985 to 16.07.1987 cannot be treated as medical leave. We make it clear that since applicant was absent from his duties without any leave application or that, as he was not medically unfit at that period of time to write a letter of leave, thus, the period from 01.06.1985 to 16.07.1987 cannot be treated as medical leave. He is not entitled any payment for that period. Moreover, applicant has submitted his explanation dated 16.07.1987 contending *inter alia* that he was not having good health for that period and was suffering with high blood pressure and was not able even to sign on a

leave application. Such issue was specifically dealt with by the Medical Board, from the report of the Medical Board, it appears that the explanation of applicant cannot be accepted. Such report of medical board was never under challenge. Thus, the period from 01.06.1985 to 16.07.1987 cannot be treated as medical leave, hence, direction of learned Tribunal for that period appears to be not sustainable. Applicant is not entitled any payment for that period.

11. In considering the observation of learned Tribunal dealing with the period from 17.07.1987 to 11.05.1999, it appears that the learned Tribunal is of opinion the applicant was not allowed to resume his duties on 17.07.1987 by the petitioners, rather, he was forwarded for medical examination. On thorough reading of the observation of the learned Tribunal, it appears that while petitioners intend to join duty on 17.07.1987, he was not admitted to the duties rather he was forwarded to the medical board. He was directed to appear before Medical Board. He was examined there on 12.07.1988, 15.07.1988 and 16.07.1988. Since then he was not allowed to the duties. Petitioner also failed to place any document/letter to applicant in respect of the result of the medical board. In pursuance to the direction of the learned Tribunal in O.A.No.1183 of 1999, he was allowed to join duty on 11.05.1999. For the entire period from 17.07.1987 to 11.05.1999, the petitioner was not at fault to perform his duties rather he was not permitted by the present petitioners to join duties. His service was not terminated on that period. Moreover, no proceedings against him for termination of service was initiated or passed by the authorities. Thereby, it tantamounts that act and action of the

petitioners itself did not allow applicant to join duties from 17.07.1987 to 11.05.1999. Thus, Principle of “No work no pay” is not applicable in this particular case. It appears us that the learned Tribunal has properly dealt with the issue and is of the opinion that Principle of “No work no pay” is not applicable in this case. After thorough consideration of observation of learned Tribunal in respect of period from 17.07.1987 to 11.05.1999, it appears to be correct and justified. Thus we find no merit to entertain the petitioners regarding their challenge of the impugned order in respect of the period from 17.07.1987 to 11.05.1999.

12. Under the above observation, the instant Writ Petition is allowed in part. Petitioners are directed to comply with the direction of the learned Tribunal passed in the impugned order but for the observation made herein above.

13. There shall be no order as to costs.

As a sequel, pending miscellaneous applications, if any, shall stand disposed of.

JUSTICE RAVI NATH TILHARI

JUSTICE SUBHENDU SAMANTA

Date : 16.07.2026

SPP

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI
THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA

WRIT PETITION No.6584 of 2006

Dated 16.07.2026

SPP