

APHC010066742026



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

[3208]

WEDNESDAY, THE ELEVENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE D RAMESH

WRIT PETITION NO: 3906/2026

Between:

Taticherla Bhargavasai

...PETITIONER

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1. SODUM ANVESHA

Counsel for the Respondent(S):

1. GP FOR SERVICES I

The Court made the following:

ORDER:

1. Heard Mrs. S. Anvesha, learned counsel for petitioner, and Sri S.Raju, learned Government Pleader for Services-I for respondents.

2. Petitioner, Revenue Department as Village Revenue Officer (Grade-II), filed the above writ petition seeking to declare the action of respondents in not considering the petitioner's case for promotion to the post of Village Revenue

Officer (Grade-II) without reference to the Articles of Charge in CCLA's Proceedings REV02/20/2025 (e-2669929) dated 25.03.2025 of the 2nd respondent, as illegal and arbitrary.

3. Learned counsel for the petitioner would submit that a charge memo was issued to the petitioner, for which he submitted an explanation on 10.04.2025. However, the inquiry officer by memo dated 07.08.2025 directed to submit written statement of defence and the same is submitted and subsequently, there is no progress in the disciplinary proceedings. He would also submit that the 4th respondent vide Rc.No.Ser-II/2595/2023 dated 23.01.2026 published provisional list of eligible Village Revenue Officer (Grade-II) for promotion to the cadre of Village Revenue Officer (Grade-I) wherein surprisingly the name of the petitioner is not shown only on the ground of pendency of disciplinary proceedings.

4. Learned Assistant Government Pleader for Services would submit that the case of the petitioner for promotion will be considered in terms of Rule 5(b)(i) of the Andhra Pradesh State and Subordinate Service Rules, 1996.

5. The Division Bench of this Court in W.A.No.550 of 2022 dated 06.09.2022 observed thus:

“7. In the Division Bench judgment in State of Andhra Pradesh rep., by its Secretary, Home Department vs. Motupalli Narasimha Raju (W.P.No.3099 of 2017), dated 27.08.2021, a Coordinate Bench has held that the post of

Head Constable is a non-selection post for the purposes of promotion and therefore, in view of Rule 5(b)(i) of the Rules, 1996, the promotion can be deferred only upon imposition of penalty and not otherwise. It has also been held that the additional embargo, if any created under a G.O., which is not issued in exercise of powers under Article 309 of the Constitution of India, would not override Rule 5(b)(i) of the Rules, which clearly states that promotion to a non-selection post may be denied only if the incumbent is subjected to a penalty and not otherwise. Thus, neither G.O.Ms.No.424, GA (Ser.C) department, dated 25.05.1976 nor 5 HCJ & DVSSS, J W.A.NO.550 OF 2022 G.O.Ms.No.66, General Administration (Services.C) department, dated 30.01.1991 would come in the way of the writ petitioner to claim relief of promotion as has been held by the learned single Judge ...”

6. In the case at hand, the charge memo is of the year 2025, however, the disciplinary inquiry has not been completed so far. The Government issued G.O.Ms.No.91 dated 12.09.2022 fixing timelines to complete the inquiries in three months and six months in case of simple and complicated inquiries respectively`. Despite the said G.O., the inquiry in the case has not been completed. For the laches on the part of the respondents, the petitioner shall not be penalized.

7. Given the facts and circumstances of the case, without going into merits of the matter, the Writ Petition is disposed of with the consent of both the counsel at

admission stage, directing the respondents to consider the case of the petitioner for promotion, if he is in the zone of consideration, in terms of Rule 5(b) of the Andhra Pradesh State and Subordinate Service Rules, 1996, without reference to the articles of charge dated 28.06.2021. No costs.

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

D. RAMESH,J

Date:11.02.2026

Gk.

THE HON'BLE SRI JUSTICE D. RAMESH

WRIT PETITION No.3906 OF 2026

Date:11.02.2026

Gk