

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

MAIN CASE No.: W.P. No.4052 of 2026

PROCEEDING SHEET

Sl.No	DATE	ORDER	OFFICE NOTE
2.	07.05.2026	<u>VS, J</u> <u>W.P. No.4052 of 2026</u> Heard both sides. On a perusal of the impugned Memo dated 28.11.2025 (wrongly typed as 28.01.2025), it can be observed that a similar punishment has been imposed on seven employees. Out of them, two employees shown at Sl.Nos.2 and 4 in the said list have approached this Court by filing W.P.No.83 of 2026 and W.P.No.218 of 2026. This Court granted an interim order dated 08.01.2026 in W.P.No.218 of 2026 as under: “The Writ Petition is filed questioning the Memo dated 28.11.2025 (wrongly typed as 28.01.2025, for imposing punishment of withholding two annual increments without cumulative effect on the Petitioner as illegal and arbitrary. The facts leading to filing of the Writ Petition are as follows: A charge sheet was issued to the Petitioner on 14.09.2017, whereunder the solitary allegation against the Petitioner was that the Petitioner, while working as Assistant Commercial Tax Officer had	

		committed grave misconduct on 09.01.2017 in engaging two private persons to work in the check post and allowed them to collect illegal amounts in the check post from the drivers/cleaners of the vehicles passing through the check post.” It is stated that in the surprise check conducted by the ACB officials in the said check post, certain amounts were recovered from the possession of Shaik Sadik and Shaik Abdul and an unaccounted amount of Rs.19,000/- under the Gas Cylinder of the kitchen room. In the enquiry report, it is stated that the charges leveled against the Petitioner were held to be not proved, as there is no strong evidence on record. The enquiry officer also held that there is no evidence with regard to the unaccounted amount found in various places and rooms of the said check post. On the basis of the Enquiry Report, a Disagreement Note dated 04.12.2023 was issued in respect of the charges leveled against the petitioner, namely engaging private persons and recovery of unaccounted money from various places at the check post. Pursuant to the said Disagreement Note, the petitioner submitted his explanation. However, thereafter, the impugned order came to be passed. A perusal of the Disagreement Note dated 04.12.2023 reveals that it is not based on any specific disagreement with the findings recorded in the Enquiry Report, but merely reflects a general opinion for initiating departmental proceedings. In the absence of any specific	
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		disagreement to findings in the Enquiry Report stating that the unaccounted amount is not recovered from the places as alleged in the Charge Memorandum, the disagreement note and impugned punishment, cannot be sustained. Therefore, there shall be an interim direction as under: i) The impugned order dated 28.11.2025 (wrongly typed as 28.01.2025) is suspended pending further orders. “ As the petitioner stands at Sl.No.5, this Court is inclined to pass a similar order in the present writ petition also. Accordingly, there shall be an interim direction suspending the impugned order dated 28.11.2025 (wrongly typed as 28.01.2025) pending further orders. Post the matter along with W.P.No.218 of 2026. VS, J KGR	
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