

[3333]

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

THURSDAY ,THE SEVENTH DAY OF MAY

TWO THOUSAND AND TWENTY SIX

:PRESENT:

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 4052 OF 2026



Between:

1. I. Anil Kumar, S/o late I. Gopalaiah, Aged about 42 years, Occ Assistant Executive Officer (A.E.O), C/o The Assistant Commissioner (ST), Tirupati-II Circle, Tirupati, Chittoor District. Andhra Pradesh-517501

Petitioner

AND

1. The State of Andhra Pradesh, Rep.by its Principal Secretary, Department of Revenue (Vigilance-VI), Secretariat Buildings, Velagapudi Village Thullur Mandal, Amaravati-522238, Guntur District, Andhra Pradesh.
2. The Chief Commissioner of State Tax, Kunchanapalli, Guntur District, Andhra Pradesh-522501.
3. The Joint Commissioner (ST), Chittoor, Chittoor District, Andhra Pradesh-517001.

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 particularly one in the nature of Writ of Mandamus declaring the action of the respondents Memo.No.REV-17023/26/2017-VIG-II-REV (Computer No.224495) dated 28.11.2025(wrongly typed as 28.01.2025), for imposing punishment of withholding one annual increments without cumulative effect on the concocted allegations of an unaccounted amount of Rs.19,000/-being found under the gas cylinder of the Kitchen area and an accounted amount of Rs.4050/- found under the bed of

rest room located in the northern side room of the border check post (BCP), Cattle farm, Palamaner, Chittoor District, during surprise check of the Anti-Corruption Bureau officials on 09-01-2017 at 2.00AM, without considering the explanation submitted and evidence adduced by me and not considering me for promotion to the Goods and Service Tax Officer despite the enquiry holding that the charges were not proved for being illegal, arbitrary, devoid of principles of natural justice, contrary to the provisions of the Andhra Pradesh Civil Services (Classification, control and Appeal) rules 1991, against the Andhra Pradesh Civil Services (conduct) Rules, 1964, and unconstitutional and consequently set aside Memo.No.REV-17023/26/2017-VIG-II-REV (Computer No.224495) dated 28.11.2025 (wrongly typed as 28.01.2025)

IA NO: 2 OF 2026

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 to consider the case of the petitioner for promotion to the post of Goods and Service Tax Officer without reference to the Memo No.REV-17023/26/2017-VIG-II-REV (Computer No.224495) dated 28-11-2025 (wrongly typed as 28-01-2025), pending disposal of writ petition

IA NO: 1 OF 2026

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 Memo No.REV-17023/26/2017-VIG-II-REV (Computer No.224495) dated 28-11-2025 (wrongly typed as 28-01-2025) pending disposal of writ petition

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri SATYAMNAIDU GOLIVI Advocate for the Petitioner, GP FOR SERVICES I for the Respondent Nos. 1 to 3, and the Court made the following.

ORDER

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 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.

//TRUE COPY//

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SD/- U.SRIDEVI
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, State of A.P., Department of Revenue (Vigilance-VI), Secretariat Buildings, Velagapudi Village Thullur Mandal, Amaravati-522238, Guntur District, Andhra Pradesh.
2. The Chief Commissioner of State Tax, Kunchanapalli, Guntur District, Andhra Pradesh-522501.

3. The Joint Commissioner (ST), Chittoor, Chittoor District, Andhra Pradesh-517001.. (1-3 by RPAD)
4. One CC to SRI. SATYAMNAIDU GOLIVI Advocate [OPUC]
5. Two CCs to GP FOR SERVICES I ,High Court Of Andhra Pradesh. [OUT]
6. One spare copy

HIGH COURT

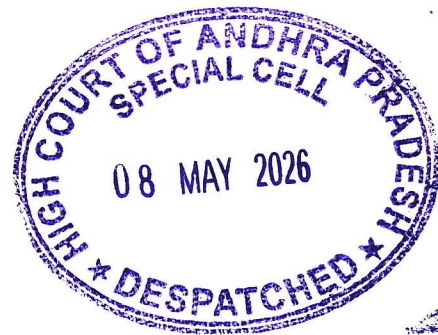
VS, J

DATED:07/05/2026

Post the matter along with W.P.No.218 of 2026.

ORDER

WP.No.4052 of 2026



INTERIM DIRECTION