



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

[3329]

MONDAY, THE SIXTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 4282/2026

Between:

1.D SREKANTH REDDY, S/O D. CHANDRASEKHAR REDDY, AGED 53 YEARS, WORKING AS DEPUTY COMMISSIONER OF P AND E, SRIKAKULAM, R/O F.NO. 528, MK GOLD COAST APARTMENT, YENDADA, VISAKHAPATNAM.

...PETITIONER

AND

1.THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SCERETARY, REVENUE (EXCISE) DEPARTMENT, A.P. SECRETARIAT, VELAGAPUDI, GUNTUR DISTRICT.

2.THE COMMISSIONER OF PROH AND EXCISE DEPARTMENT, STATE OF ANDHRA PRADESH, 3RD FLOOR, IHC CORPORATE BUILDING, MANGALAGIRI, GUNTUR DISTRICT, 522502.

...RESPONDENT(S):

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 topleased to issue a Writ Order or direction more particularly one in the nature of Writ of Mandamus declare the action of the respondents in not concluding the long pending disciplinary proceedings vide G.O.Rt.No. 794 dated 31-05-2013 issued by 1st respondent, for the incident pertaining to the year 2010-2012, as illegal arbitrary and in violation of existing specific instructions of the Government, for early conclusion, and as well as the judgment of the Hon'ble Apex Court, reported in P.V.MAHADEVAN Vs. M.D. TAMIL NADU HOUSING BOARD, and accordingly set aside the same,

consequently direct the respondents to conclude the disciplinary proceedings vide G.O.Rt.No. 794 dated 31-05-2013 within 3 months, in terms of G.O.Ms.No. 679 GA (SER.C) Department, dated. 1-11-2008 and G.O.Ms.No. 91 GAD Dated. 12-09-2022, failing which the proceedings stands quashed automatically in terms of the similar orders passed in W.P.No. 15121 of 2025 dt 25-06-2025 and to pass

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 direct the respondents to conclude the disciplinary proceedings within 3 months, pending against the petitioner vide G.O.Rt.No. 794 dated 31-05-2013, which related to Liquor Syndicate, of 2010-2012 pending disposal of the above writ petition and to pass

Counsel for the Petitioner:

1. CHILAMKURTHI SATYA DEV NAIDU

Counsel for the Respondent(S):

1. GP FOR SERVICES I

The Court made the following:

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

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ORDER:

This writ petition is filed under Article 226 of the Constitution of the India seeking the following reliefs:-

“to issue a writ, order or direction more particularly one in the nature of Writ of declare the action of the respondents in not concluding the long pending disciplinary proceedings vide G.O.Rt.No.794 dated 31.05.2013 issued by 1st respondent, for the incident pertaining to the year 2010-2012, as illegal, arbitrary and in violation of existing specific instructions of the Government, for early conclusion, and as well as the judgment of the Hon'ble Apex Court, reported in P.V.MAHADEVAN Vs. M.D. TAMIL NADU HOUSING BOARD, and accordingly set aside the same, consequently direct the respondents to conclude the disciplinary proceedings vide G.O.Rt.No.794 dated 31.05.2013 within 3 months, in terms of G.O.Ms.No.679 GA (SER.C) Department, dated. 01.11.2008 and G.O.Ms.No.91 GAD dated 12.09.2022, failing which the proceedings stands quashed automatically in terms of the similar orders passed in W.P.No.15121 of 2025 dated 25.06.2025 and pass such other order.”

2. Heard learned counsel for the petitioner and the learned Government Pleader for the respondents.

3. Learned counsel for the petitioner submits that the petitioner was joined as Prohibition and Excise Inspector in the year 1998. Later, the petitioner was selected in Group-1 service and joined as Assistant Prohibition and Excise Superintendent in the year 2007. While the petitioner working as Excise Superintendent, Vizianagaram, the 1st respondent has initiated disciplinary action against the petitioner and issued a charge memo. Even though an

enquiry officer was appointed, they did not conclude the disciplinary proceedings. The disciplinary proceedings are kept pending without any progress.

4. Learned counsel for the petitioner further submits in view of non-completion of inquiry, the petitioner's future prospects are affected. The Government issued G.O.Ms.No.679, General Administration (Service.C) Department, dated 01.11.2018, fixing time-limit for early completion of departmental inquiries. In the said G.O., instructions were issued for expeditious completion of inquiries viz., three months for simple cases and six months for complicated cases. Since the inquiry, pending against the petitioner, is not completed, the above writ petition is filed.

5. Learned Government Pleader the 1st respondent has initiated disciplinary action against the petitioner vide G.O.Rt.No.794 dated 31.05.2013. Later, the case was entrusted to the Commissioner of Inquiries vide G.O.Rt.No.842 dated 08.08.2019. Later, the Inquiry authority reassigned the case to Sri R.P.Sisodia/Commissioner of Inquiries, to continue the pending proceedings and to dispose of it, in accordance with the statutory rules.

6. Disciplinary proceedings, initiated against an employee, are to be completed within three months in simple cases and six

months in complicated cases as per G.O.Ms.No.679, General Administration (Services–C) Department dated 01.11.2008.

7. In ***State of A.P. v. N. Radhakishan***¹, the Hon'ble Apex Court held as under:

“The essence of the matter is that the court has to take into consideration all the relevant factors and to balance and weigh them to determine if it is in the interest of clean and honest administration that the disciplinary proceedings should be allowed to terminate after delay particularly when the delay is abnormal and there is no explanation for the delay. The delinquent employee has a right that disciplinary proceedings against him are concluded expeditiously and he is not made to undergo mental agony and also monetary loss when these are unnecessarily prolonged without any fault on his part in delaying the proceedings. In considering whether the delay has vitiated the disciplinary proceedings the court has to consider the nature of charge, its complexity and on what account the delay has occurred. If the delay is unexplained prejudice to the delinquent employee is writ large on the face of it....”

8. In ***P.V. Mahadevan vs. MD, T.N. Housing Board***², the Hon'ble Apex Court observed as follows:

¹ (1998) 4 SCC 154

² (2005) 6 SCC 636

“11. The protracted disciplinary enquiry against a government employee should, therefore, be avoided not only in the interests of the government employee but in public interest and also in the interests of inspiring confidence in the minds of the government employees. At this stage, it is necessary to draw the curtain and to put an end to the enquiry. The appellant had already suffered enough and more on account of the disciplinary proceedings. As a matter of fact, the mental agony and sufferings of the appellant due to the protracted disciplinary proceedings would be much more than the punishment. For the mistakes committed by the department in the procedure for initiating the disciplinary proceedings, the appellant should not be made to suffer.”

9. In **Secretary, Ministry of Defence vs. Prabhash Chandra Mirdha**³, the Hon'ble Apex Court clearly held that before the charge sheet is quashed, this Court must consider the gravity of the charge and all other relevant factors before coming to the said conclusion.

10. In view of the above expressions, employees cannot work under constant and imminent threat of disciplinary proceedings. If no time schedules are fixed for completion of the disciplinary proceedings, the very purpose of G.O.Ms.No.679 will be frustrated.

11. In the case on hand, the alleged incident took place around 2010-2012 and charges were framed in the year 2013. There was no progress in the inquiries.

³ (2012) 11 SCC 565

12. Considering the facts and circumstances of the case and in view of the above discussion, the Commissionerate of Inquiries is directed to conclude the inquiries, within a period of six months from today, failing which the charge memo issued to the petitioner shall stand quashed and the candidature of the petitioner shall be considered for promotions if any on par with the others.

13. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

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

16.02.2026
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VENKATESWARLU NIMMAGADDA, J

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