

APHC010075432026



IN THE HIGH COURT OF ANDHRA PRADESH

AT AMARAVATI

[3208]

(Special Original Jurisdiction)

TUESDAY, THE SEVENTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT**THE HONOURABLE SRI JUSTICE D RAMESH****WRIT PETITION NO: 4556 of 2026****Between:**

1.P V V BHASKAR REDDY, S/O. LATE DR. P. RAMACHANDRA REDDY, AGED ABOUT 56 YEARS, OCC OFFICE SUPERINTENDENT R/O. D.NO.56/130-64, FLAT NO.505, SRI MOHAN RESIDENCY NEAR ITI CIRCLE, YSR KADAPA DISTRICT, ANDHRA PRADESH.

...PETITIONER**AND**

- 1.THE STATE OF AP, REPRESENTED BY ITS PRINCIPAL SECRETARY, DEPARTMENT OF HEALTH, MEDICAL AND FAMILY WELFARE, SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT - 522238.
- 2.THE STATE OF ANDHRA PRADESH, REPRESENTED BY SECRETARY TO GOVERNMENT, DEPARTMENT OF AYUSH DEPARTMENT OF HEALTH, MEDICAL AND FAMILY WELFARE, SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT - 522238.
- 3.THE DEPARTMENT OF AYUSH, D NO 22/19,4TH FLOOR, JASTI TOWERS GOLLAPUDI VIJAYAWADA, NTR DISTRICT - 521225. REP BY ITS DIRECTOR

4.THE COMMISSIONER, DEPARTMENT OF AYUSH, D NO 22/19,4TH FLOOR, JASTI TOWERS GOLLAPUDI VIJAYAWADA, NTR DISTRICT - 521225.

5.THE DEPUTY DIRECTOR VIGILANCE, O/O COMMISSIONER, DEPARTMENT OF AYUSH D NO 22/19,4TH FLOOR, JASTI TOWERS GOLLAPUDI VIJAYAWADA, NTR DISTRICT - 521225.

6.THE ANDHRA PRADESH VIGILANCE COMMISSION, 1ST FLOOR, BUILDING NO.5, SECRETARIAT, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT - 522238. REPRESENTED BY ITS SECRETARY

...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 to pass an order or orders or direction more in the nature of Writ of Mandamus declaring the (A) the action of the Respondent No.1 herein in not concluding the departmental proceedings initiated against the Petitioner vide G.O.Rt.No.1378 Health, Medical and Family Welfare (VC-1) Department dated 12.10.2010 despite lapse of sixteen(16) years as sheer unjust, illegal, arbitrary and contrary to provisions of Andhra Pradesh Civil Services (Classification, Control and Appeal), Rules, 1991 and GoMs No. 91, GAD (Ser.C) Department dated 12.09.2022 besides violative of Petitioners fundamental rights guaranteed under Article 14, 16 and 21 of Constitution of India and consequently quash the disciplinary proceedings initiated against the Petitioner vide G.O.Rt.No.1378 Health, Medical and Family Welfare (VC-1) Department dated 12.10.2010 (B) further action of the Respondents herein in not considering the Petitioner herein for the promotion in service to the post of the Lay Secretary and Treasurer Grade II and Accounts officer or any other post of higher cadre, purportedly on the premise of pendency of the disciplinary proceedings initiated against the Petitioner vide G.O.Rt.No.1378 Health, Medical and Family Welfare (VC-1) Department dated 12.10.2010 as sheer

illegal, unjust, arbitrary and contrary to the G.O.Ms No.257, GAD (Ser.C) Department dated 10.06.1999 2022 besides violative of Petitioners fundamental rights guaranteed under Article 14, 16 and 21 of Constitution of India and consequently direct the Respondents herein to consider the Petitioner herein for the promotion in service to the post of the Lay Secretary and Treasurer Grade II and Accounts officer or any other post of higher cadre with notional seniority with effect from the year 2021.

Counsel for the Petitioner:

1.SHAIK MD UMAR ABDULLAH

Counsel for the Respondent(S):

1.GP FOR SERVICES I

The Court made the following:

ORDER:

The present Writ Petition is filed for the following relief:

.... to pass an order or orders or direction more in the nature of Writ of Mandamus declaring the (A) the action of the Respondent No.1 herein in not concluding the departmental proceedings initiated against the Petitioner vide G.O.Rt.No.1378 Health, Medical and Family Welfare (VC-1) Department dated 12.10.2010 despite lapse of sixteen(16) years as sheer unjust, illegal, arbitrary and contrary to provisions of Andhra Pradesh Civil Services (Classification, Control and Appeal), Rules, 1991 and GoMs No. 91, GAD (Ser.C) Department dated 12.09.2022 besides violative of Petitioners fundamental rights guaranteed under Article 14, 16 and 21 of Constitution of India and consequently quash the disciplinary proceedings initiated against the Petitioner vide G.O.Rt.No.1378 Health, Medical and Family Welfare (VC-1) Department dated 12.10.2010 (B) further action of the Respondents herein in not considering the Petitioner herein for the promotion in service to the post of the Lay Secretary and Treasurer Grade II and Accounts officer or any other post of higher cadre, purportedly on the premise of pendency of the disciplinary proceedings initiated against the Petitioner vide G.O.Rt.No.1378 Health, Medical and Family Welfare (VC-1) Department dated 12.10.2010 as sheer illegal, unjust, arbitrary and contrary to the G.O.Ms No.257, GAD (Ser.C) Department dated 10.06.1999 2022 besides

violative of Petitioners fundamental rights guaranteed under Article 14, 16 and 21 of Constitution of India and consequently direct the Respondents herein to consider the Petitioner herein for the promotion in service to the post of the Lay Secretary and Treasurer Grade II and Accounts officer or any other post of higher cadre with notional seniority with effect from the year 2021. and pass order or orders....

2. The petitioner was initially appointed as the Clerk-cum-Typist at the Government Homeopathy Hospital, Kadapa District on compassionate grounds. Later he was promoted as Senior Assistant on 04.09.2001 at Government Homeopathy Medical Hospital and he was further promoted as Office Superintendent on 11.06.2009. After that, the departmental proceedings were initiated against the petitioner under Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal), Rules, 1991 with respect to non-submission of Annual Property Returns and failure to make entry in the Tappal Register. Initially, 3rd respondent herein placed the petitioner under temporary suspension and consequently the respondent No.1 vide G.O.Rt.No.1377, Health, Medical & Family Welfare (VC-1) Department dated 12.10.2010, has revoked the suspension and reinstated the petitioner herein into the service with immediate effect. Even after a lapse of 15 years, the respondent No.1 not chosen to conclude the departmental proceedings initiated as against the petitioner with an intention to deny the promotion to

the petitioner to the post of Lay Secretary, as the petitioner stood at S.I.No.2.

3. The learned counsel for the petitioner submits that, in fact the Government has considered the issue and issued guidelines vide. G.O.Ms.No.91, GAD (Ser.C) dated 12.09.2022, wherein, categorically stipulated the time i.e., in a simple cases, the enquiry has to be completed within three months and in a complicated cases, the enquiry shall be completed within five to six months and further requested all the Principal Secretaries to give instructions with regard to the same. Despite the same, the respondents have not chosen to conclude the proceedings within the time lines stipulated as per G.O.Ms.No.91 dated 12.09.2022. Now appointment of the enquiry officer was made after a lapse of 15 years on 10.02.2026 shows that to deny the promotion to the petitioner.

4. Considering the above submissions, the writ petition is disposed of directing the respondents to consider the case of the petitioner for promotion to the post of Lay Secretary and Treasurer Grade-II and Accounts Officer or any other post of higher cadre without reference to charge memo dated 12.10.2010 with a

consequential direction to conclude the proceedings in terms of G.O.Ms.No.91, General Administration (Ser.C) Department, dated 12.09.2022. There shall be no order as to costs.

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

JUSTICE D.RAMESH

Date: 17.02.2026
GK/JAK

THE HONOURABLE SRI JUSTICE D.RAMESH

WRIT PETITION NO: 4556 of 2026

Dated: 17.02.2026

GK/JAK