

APHC010080392026



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

[3208]

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

PRESENT

THE HONOURABLE SRI JUSTICE D RAMESH

WRIT PETITION NO: 4570/2026

Between:

G Nagabhushanam

...PETITIONER

AND

The State Of Ap and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1. CHILAMKURTHI SATYA DEV NAIDU

Counsel for the Respondent(S):

1. GP FOR SERVICES II

The Court made the following:

ORDER:-

This Writ Petition is filed under Article 226 of the Constitution of India seeking the following relief:

"....to issue order or orders, direction or directions, Writ or Writs particularly one in the nature Writ of Mandamus to declare the action of the respondents in not considering the candidature of the petitioner for promotion to the post of Deputy Executive Engineer, on mere pendency of Charge memo, vide Memo No.6208/VC(2)/2018 dated 21.08.2025, issued by the 2nd respondent, denial of promotion is illegal, arbitrary, whimsical and in violation of Principles of Natural

Justice and consequently direct the respondents to consider the candidature of the petitioner for promotion to the post of Deputy Executive Engineer without reference to the pending charge memo vide Memo No.6208/VC(2)/2018 dated 21.08.2025, on the same analogy of orders passed by this Honble Court in W.P.No. 17555 of 2025 dated 11.07.2025 and 2010 (4) ALT 374 (D.B) ...”

2. Heard Sri Chilamkurthi Satya Dev Naidu, learned counsel for the Petitioners and learned Government Pleader for Services-II for the Respondents.

3. Learned counsel for the Petitioner submits that the Petitioner is within the zone of consideration for promotion as Deputy Executive Engineer and due to pendency of the disciplinary proceedings, there is every possibility of Petitioner being denied of such promotion.

4. Learned Assistant Government Pleader for Services-II would submit that the Respondent Authorities will consider the case of the Petitioner in terms of G.O.Ms.No.257 General Administration (Ser.C) Department, dated 10.06.1999.

5. The Government issued G.O.Ms.No.679, General Administration (Services-C) Department, dated 01.11.2008, and thereafter, G.O.Ms.No.91 General Administration (Ser.C) Department, dated 12.09.2022, fixing timelines to conclude the inquiry within three months in case of simple and six months in case of complicated. In the present case, though charge memo has been issued on 29.11.2024, the same relates back to the incident, which has occurred in the year 2017, and on-going disciplinary proceedings came to be

initiated only after vigilance and enquiry has pointed certain irregularities, for such inordinate delay in initiating enquiry, petitioner cannot be denied his right for considering promotion to next higher post.

6. Even a Coordinate Bench of this Court in W.P.No.17246 of 2024, though it was a case of pending inquiry in pursuant to charges, as the inquiry was not completed within the time frame fixed in pursuance to G.O.Ms.No.91 dated 22.09.2022 and in the guise of inquiry, the petitioner therein was not considered for promotion, by following the judgment of Division Bench in **Government of Andhra Pradesh v. A.Rajeswara Reddy** case issued the following directions:

“8. In Government of A.P., vs. A.Rajeswara Reddy¹, it was held that the disciplinary proceedings initiated against an employee of Government are to be completed within three months in simple cases and in six months in case of complicated cases, as per the policy decision taken by the Government in G.O.Ms.No.679, General Administration (Services-C) Department, dated 01.11.2008. The Division Bench also directed the concerned Authorities to consider the case of the employee for promotion without reference to the pending disciplinary proceedings, while upholding the order of the Administrative Tribunal.

9. Case at hand, as referred to supra, though the disciplinary proceedings were initiated on 29.06.2022, inquiry is not concluded so far.

10. Given the facts and circumstances of the case coupled with the judgment referred to supra, the Writ Petition is disposed of with the consent of learned counsel on either side at the admission stage, directing the respondent authorities to consider the petitioner's case for

promotion without reference to disciplinary proceedings initiated vide G.O.Rt.No.482, dated 29.06.2022, if the petitioner possesses other requisite qualifications, as per law. No order as to costs.”

7. In view of the same, the writ petition is disposed of, with the following directions:

“The respondents, without reference and without taking into account or consideration of the charge memos vide Memo No.6208/VC(2)/2018 dated 21.08.2025, are directed to consider the case of the Petitioner for promotion, if he is found fit for promotion in accordance with law. Further, the Respondents are also directed to complete the inquiry within a period of four (04) months from the date of receipt of a copy of this order.

8. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

The miscellaneous applications pending, if any, shall also stand closed.

JUSTICE D.RAMESH

Date:17.02.2026

Gk

THE HONOURABLE SRI JUSTICE D RAMESH

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Gk