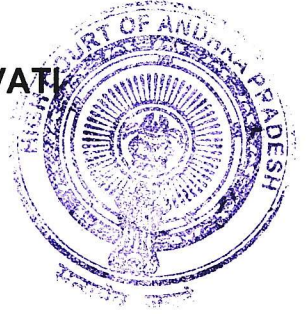


IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

WEDNESDAY, THE NINTH DAY OF APRIL,
TWO THOUSAND AND TWENTY FIVE



:PRESENT:

THE HONOURABLE SRI JUSTICE CHALLA GUNARANJAN

WRIT PETITION NO: 5728 OF 2025

Between:

Pasala Smithner, S/o. Late Franklin Raja Bushanam, aged about 41 years,
ACTO/GSTO, O/o.Assistant Commissioner, Sattenapalli Circle, Guntur-2
Division (State Taxes), Andhra Pradesh.

...Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary,
Department of Revenue (Vigilance-VI) Secretariat, Amaravati.
2. The Chief Commissioner, State Taxes, Guntur, Andhra Pradesh.

...Respondents

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an order, direction or writ, more particularly one in the nature of writ of Mandamus, declaring G.O.Rt.No.689, dated 27.09.2024, imposing penalty of withholding three (03) annual grade increments with cumulative effect basing on the concocted allegation of Rs.9500/- said to have been found in ^{my} table desk as belonging to the petitioner during the surprise check of Anti-Corruption Bureau Officials on 03.06.2016, at Border Check Post, Pondugula, Dachepalli Mandal, Guntur District, despite the Inquiry Officer and Commissioner (ST), O/o. Chief Commissioner (ST), Andhra Pradesh, Vijayawada, holding the charge as not proved, for being illegal, arbitrary, against the principles of natural justice, contrary to the provisions of Andhra Pradesh Civil Services (Classification Control and Appeal) Rules, 1991, and the Andhra Pradesh Civil Services (Conduct) Rules, 1964, and

unconstitutional and consequently set aside G.O.Rt.No.689, dated 27.09.2024.

IA NO: 1 OF 2025

Petition under Section 151 CPC is filed 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 G.O.Rt.No.689 Revenue (Vigilance-II) Department, dated 27.09.2024, pending disposal of WP 5728 of 2025, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri Srinivasa Rao Bodduluri, Advocate for the Petitioner and of GP FOR SERVICES-I for Respondents, the Court made the following

ORDER:

“Learned Government Pleader for Services-I takes notice for respondents.

The petitioner(s) along with other staff, who were attending to duties at Border Check Post, Pondugula, Dachepalli Mandal, Guntur District have been proceeded with departmental enquiry based on the surprise check conducted by Anti-Corruption Bureau, who alleged to have found unaccounted cash of Rs.20,500. The enquiry officer, who conducted enquiry, by orders dated .08.2022 after detailed examination of the articles of charge, found that none of the charges were found to be proved. He went further to the extent of finding that none of the persons who alleged to have tendered bribe amount have come forward to speak about the said aspect or the statements alleged to have been recorded from the lorry drivers who spoke about the said incident were made available. However, Government in exercise of powers 22(2) APCS (CCA) Rules 1991, issued memo dated 19.03.2023 disagreeing with findings of enquiry officer. It is stated that though the prosecution has not established the unaccounted cash amounts were on account of bribe, presumption came to be drawn to be so and further fixed the onus

of disproving that the said amounts amounted to bribe on charged officers and proceeded to impose major penalty of withholding 3 annual grade increments by impugned proceedings vide G.O.Rt.No.689, dated 27.09.2024. *Prima faice*, this Court finds that the reasoning given by first respondent both in disagreeing with the findings of enquiry officer and also imposing penalty are mere surmises and conjunctures.

Learned Assistant Government Pleader has placed on record the written instructions, tried to justify the order passed by the first respondent.

Matter requires consideration.

In view of the above, the impugned G.O.Rt.No.689, dated 27.09.2024 issued by the 1st respondent shall stand suspended pending further orders.

Let counter be filed in four (04) weeks, Reply if any in two (02) weeks thereafter.

List the matter after eight (08) weeks."

SD/- K. KASIRAO ACHARI
ASSISTANT REGISTRAR

SECTION OFFICER

//TRUE COPY//

To,

1. The Principal Secretary, Department of Revenue (Vigilance-VI) State of Andhra Pradesh, Secretariat, Amaravati.
2. The Chief Commissioner, State Taxes, Guntur, Andhra Pradesh.
(Addressee Nos. 1 and 2 by **SPECIAL MESSENGER**)
3. One CC to Sri Srinivasa Rao Bodduluri, Advocate [OPUC]
4. Two CCs to GP FOR SERVICES I, High Court of Andhra Pradesh.
[OUT]
5. One spare copy.

PSD

HIGH COURT

CGR,J

DATED:09/04/2025

NOTE: LIST THE MATTER AFTER EIGHT (08) WEEKS.

ORDER

WP.No.5728 of 2025

SUSPENSION

