

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

**MONDAY, THE SEVENTEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE**



**PRESENT
THE HONOURABLE SRI JUSTICE CHALLA GUNARANJAN**

WRIT PETITION NO: 6300 OF 2025

Between:

N Bhujanga Rao, S/o (Late) Ramulu, Aged 51 years, Proh Excise Constable, Maharanipeta Visakhapatnam, R/o D.No. 53-25-5/7 CHaitanyanagar, Maddilapalem, Visakhapatnam-530013.

...Petitioner

AND

1. The State of Andhra Pradesh, Rep.by Principal Secretary, Revenue (Excise) Department, A.P. Secretariat Building, Velagapudi Amaravati, Guntur District.
2. The Commissioner of Prohibition and Excise,, Government of Andhra Pradesh, Prasadampadu Vijayawada, Krishna District.
3. The Commissioner of Inquiries, Government of Andhra Pradesh, General Administration (COI-MKS) Department, A.P. Secretariat Building, Velagapudi, Amaravati, Guntur District.
4. The Member, Commissionerate of Inquiries, Government of Andhra Pradesh, General Administration (COI-MKS) Department, A.P. Secretariat Building, Velagapudi, Amaravati, Guntur District.

...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 an appropriate writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in not concluding the disciplinary proceedings initiated vide TEC No.392 of 2013, Dt.15.11.2018 as Illegal, arbitrary and in violation of Articles 14, 16 and 21 of the Constitution of India apart from violation of instructions issued in GO Ms.No.679, GA (Ser-C) Department,

Dt.01.11.2008 and consequently set aside the proceedings vide TEC No.392 of 2013, Dt.15.11.2018.

IA NO: 1 OF 2025

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 in TEC No.392 of 2013, Dt. 15.11.2018, pending disposal of this writ petition.

Counsel for the Petitioner: SRI MANOJ KUMAR BETHAPUDI

Counsel for the Respondents: GP FOR SERVICES I

The Court made the following order:

APHC010117642025



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

[3506]

MONDAY, THE SEVENTEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE CHALLA GUNARANJAN

WRIT PETITION NO: 6300/2025

Between:

N Bhujanga Rao

...PETITIONER

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1.MANOJ KUMAR BETHAPUDI

Counsel for the Respondent(S):

1.GP FOR SERVICES I

The Court made the following order:

This Writ Petition is filed under Article 226 of the Constitution of India for the following relief/s:-

“...to issue an appropriate writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in not concluding the disciplinary proceedings initiated vide TEC No.392 of 2013, Dt.15.11.2018 as illegal, arbitrary and in violation of Articles 14, 16 and 21 of the Constitution of India apart from violation of instructions issued in G.O.Ms.No.679, GA (Ser-C) Department, Dt.01.11.2008 and consequently set aside the proceedings vide TEC No.392 of 2013, Dt.15.11.2018 and pass such other order or orders....”

2. Heard Sri Manoj Kumar Bethapudi, learned counsel for the petitioner and learned Assistant Government Pleader for Services-I for respondents.

3. The petitioner while working as Prohibition and Excise Constable at Visakhapatnam, raids were conducted by the ACB personnel on all the liquor shops and their offices during the months of December, 2011 and January 2012 and criminal cases came to be registered. In pursuance to the same, all the criminal cases so registered were referred to the Tribunal for disciplinary proceedings. In so far as, the petitioner is concerned, the case has been registered against him *vide* Tribunal Enquiry Case (TEC) No.392 of 2013. Later, charges were framed on 15.11.2018 and proceedings went on for some time. Thereafter, the very Tribunal came to be abolished and all the matters have been transferred to

Commissionerate of Inquiries (COI), where the proceedings presently lie pending. As the said case is pending, and there is no progress, it is causing grave prejudice, agony, pain and suffering to the petitioner, besides affecting his prospects in the department and advantages in the career. 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 inquiries, pending against the petitioner, are not completed, the above writ petition is filed.

4. Learned Assistant Government Pleader brought to the notice of this Court that the Tribunal for Disciplinary Proceedings, which was constituted under Section 3 of the Andhra Pradesh Civil Services (Disciplinary Proceedings Tribunal) Act, 1960 was abolished by Ordinance No.6 of 2022, dated 16.8.2022. The same was published in Part IV-B of the Extraordinary Gazette of Andhra Pradesh. Pursuant to repeal of the Tribunal, the Government issued G.O.Ms.No.98, General Administration (Services-E) Department, dated 18.8.2022 transferring all the cases pending on the file of the Tribunal for Disciplinary Proceedings to the Commissionerate of Inquiries (COI), to continue the pending proceedings and to dispose of it, in accordance with the statutory rules.

5. 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. In the case on hand, the petitioner is facing the charges of corrupt motive, abuse of official position and receiving of amount, since 2013 and charges were framed in the year 2018.

6. 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...."

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

"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

¹ (1998) 4 SCC 154

² (2005) 6 SCC 636



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."

8. In **Secretary, Ministry of Defence vs. Prabhash Chandra**

Mirdha³, 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.

9. 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.

10. In the case on hand, the alleged incident took place around 2011-2012 and the case was registered as Tribunal Enquiry Case No.392 of 2013 and charges were framed in the year 2018. The Tribunal for Disciplinary Proceedings was abolished in the year 2022. There was no progress in the inquiries till abolition of the Tribunal and now the file is transferred to the COI.

11. 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

³ (2012) 11 SCC 565

today, failing which the charge memo issued to the petitioner *vide* Tribunal Enquiry Case No.392 of 2013, which was transferred to the COI, pursuant to G.O.Ms.No.98, dated 18.8.2022, shall stands quashed.

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

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

Sd/- N. NAGAMMA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Revenue (Excise) Department, State of Andhra Pradesh, A.P. Secretariat Building, Velagapudi Amaravati, Guntur District.
2. The Commissioner of Prohibition and Excise,, Government of Andhra Pradesh, Prasadampadu Vijayawada, Krishna District.
3. The Commissioner of Inquiries, Government of Andhra Pradesh, General Administration (COI-MKS) Department, A.P. Secretariat Building, Velagapudi, Amaravati, Guntur District.
4. The Member, Commissionerate of Inquiries, Government of Andhra Pradesh, General Administration (COI-MKS) Department, A.P. Secretariat Building, Velagapudi, Amaravati, Guntur District.
5. One CC to Sri Manoj Kumar Bethapudi, Advocate [OPUC]
6. Two CCs to GP for Services - I, High Court of Andhra Pradesh. [OUT]
7. Two CD Copies

RAM

HIGH COURT

DATED:17/03/2025

ORDER

WP.No.6300 of 2025

**DISPOSING OF THE WP
WITHOUT COSTS**

