

APHC010198432026

**IN THE HIGH COURT OF ANDHRA PRADESH****AT AMARAVATI****[3208]****(Special Original Jurisdiction)**

MONDAY, THE TWENTY SEVENTH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT**THE HONOURABLE SRI JUSTICE D RAMESH****WRIT PETITION NO: 11298/2026****Between:**

1. M S CHANDRA SEKHARA RAO, S/O. APPAIAH, AGED ABOUT 64 YEARS, HOSTEL WELFARE OFFICER GOVT. B.C. BOYS HOSTEL, NAGARAM, BAPATLA DISTRICT, PRESENTLY RESIDING FLAT NO.401, DOOR NO.32-1-4/2, SINDHUPRIYA APARTMENT, RELIANCE PETROL BUNK ROAD, ALAPATINAGAR, TENALI, GUNTUR DISTRICT - 522201

...PETITIONER**AND**

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, B.C. WELFARE DEPT, SECRETARIAT, VELAGAPUDI, AMARAVATHI, GUNTUR DIST. - 522238

2. THE DIRECTOR OF B C WELFARE, GOVERNMENT OF ANDHRA PRADESH VISHAL RESIDENCY, TADIGADAPA, KANURU, VIJAYAWADA, KRISHNA DISTRICT, A.P. - 520007

3. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRL. SECRETARY, FINANCE DEPT. SECRETARIAT,

VELAGAPUDI, AMARAVATHI, GUNTUR DIST, A.P. - 522238

4.THE COLLECTOR AND DIST MAGISTRATE, THE COLLECTORATE, COLLECTORS OFFICE ROAD, GUNTUR, A.P. - 522004

5.THE DEPUTY DIRECTOR B C WELFARE, GUNTUR DISTRICT GUNTUR, A.P. - 522004

...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 to set aside the Charge Memo issued to the petitioner vide RC No.A1/02/2020 dated 16-05-2024 and direct the respondents to provide full pension, gratuity, commutation, earned leave encashment and all other terminal benefits applicable with interest, on par with the similar situated persons, in Cir.Memo.No.993093/FIN01-HR0CL/9/2019-HR-III dated 15.03.2020 of the Finance Department, Govt. of A.P based on final orders of W.P.No.38901/2017 dated 17.11.2017 in the Hon'ble High Court of Andhra Pradesh, Amaravathi and final orders of W.P.No.29913/2025 dated 31.10.2025 in the Hon'ble High Court of Andhra Pradesh, Amaravathi and final orders of W.P.No.10757/2024 dated 10.09.2024 in the Hon'ble High Court of Andhra Pradesh, Amaravathi pending the disposal of the main writ petition and pas

Counsel for the Petitioner:

1.RAVI CHANDRA BANDLAMUDI

Counsel for the Respondent(S):

1.GP FOR SERVICES I

2.GP FOR SERVICES II

The Court made the following:**ORDER:**

The present writ petition is filed seeking to set aside the charge memo issued to the petitioner vide R.C. No.A1/02/2020 dated 16.05.2024 and direct the respondents to provide full pension, gratuity, commutation, earned leave encashment and all other terminal benefits applicable with interest on par with the Circular Memo dated 15.03.2020 of the Government of Andhra Pradesh.

2. The case of the petitioner is that he was appointed as Hostel Welfare Officer Grade-II on 13.01.1992 in B.C. Welfare Department and promoted as Grade-I Hostel Welfare Officer and retired on 31.05.2024. While he was working as Hostel Welfare Officer at Amruthalur, a surprised check was conducted by ACB officials on 03.01.2020 and subsequently the petitioner was given a charge memo dated 16.05.2024 with a delay of four years four months and 28 days from the date of occurrence of surprise check conducted by the ACB Officials. Since the charge memo was issued after four years four months and 28 days from the date of occurrence of surprise check conducted by the ACB Officials and the petitioner was retired from service on 31.05.2024, the charge memo is liable to be quashed and hence filed the writ petition.

3. Heard the learned counsel for the petitioner, and learned Assistant Government Pleader for Services for the respondents.

4. Learned counsel for the petitioner would submit that the charge memo was issued four years after the alleged incident, which is contrary to Rule 9(ii)(b)(ii) of the Revised Pension Rules, 1980 (for short 'the Rules') and prays to quash the charge memo.

5. Learned Assistant Government Pleader for Services, fairly conceded that Rule 9 of the Rules, applies to the facts of the case and charge memos are liable to be quashed.

6. Shorn of the details, the aforementioned charge memo was issued on 16.05.2024 based on a surprise check dated 15.07.2017 i.e. four years from the date of the alleged incident. It is pertinent to have a look at Rule 9(2)(b) of the Rules, which is relevant to this context. Rule 9(2)(b) of the Pension Rules, reads thus:

"9 (2) (a)"

(b) The Departmental proceedings, if not instituted while the Government servant was in service, whether before his retirement or during his re-employment;

(i) shall not be instituted save with the sanction of the Government;
 (ii) shall not be in respect of any event which took place more than four years before such institution; and (iii) ...”

7. Thus, Rule 9(2)(b) (ii) bars the institution of departmental proceedings in respect of an event that has taken place four years before the institution of proceedings.

8. In the case at hand, the alleged incident took place on 03.01.2020. However, charge memo was issued on 16.05.2024 i.e. after four years from the date of the alleged incident.

9. Given the facts and circumstances of the case, since the charge memo, impugned in the writ petition, was issued contrary to Rule 9(2)(b)(ii) of the Rules, which is liable to be set aside.

10. Accordingly, this writ petition is allowed at the admission stage. The charge memo issued vide R.C. No.A1/02/2020 dated 16.05.2024, against the petitioner, is hereby quashed. Since the petitioner retired from service on 31.05.2024, the respondents are hereby directed to pay full pension, gratuity, commutation, earned leave encashment and all other terminal benefits applicable with interest on par with the Circular Memo dated 15.03.2020 of the Government of Andhra Pradesh. No costs.

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

JUSTICE D.RAMESH

Date:27.04.2026
GK

THE HONOURABLE SRI JUSTICE D.RAMESH

WRIT PETITION NO: 11298 of 2026

Dated:27.04.2026

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