

APHC010210872026



IN THE HIGH COURT OF ANDHRA PRADESH

AT AMARAVATI

[3208]

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE D RAMESH

WRIT PETITION NO: 10554/2026**Between:**

1. CH. V. MAHESH KUMAR,, S/O. VENKATESWARLU, AGED ABOUT 56 YEARS, OCC ASSISTANT COMMISSIONER OF PROHIBITION AND EXCISE, ENFORCEMENT WING, VISAKHAPATNAM, VISAKHAPATNAMDISTRICT.

...PETITIONER**AND**

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY TO GOVERNMENT, REVENUE (EXCISE) DEPARTMENT, SECRETARIAT, VELAGAPUDI, GUNTUR DISTRICT-522238.

2. THE COMMISSIONER OF PROHIBITION AND EXCISE, STATE OF A.P., MANGALAGIRI, GUNTUR DISTRICT-5222503.

...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 may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in not

concluding the long pendency of disciplinary proceedings vide Charge Memo T.E.C.No. 134 of 2013 (incident pertaining to the year 2008-2010) on the file of Tribunal for Disciplinary Proceedings, Hyderabad against the petitioner as highly illegal, arbitrary, unjust, improper, contrary to G.O.Ms.No.679, GA (Ser.C) Department, dated 01.11.2008 and G.O.Ms.No. 91 General Administration (SER.C) department dated 12.09.2022 and contrary to the orders of this Honble Court apart from violation of Article 14, 16 and 21 of the Constitution of India and set aside the same and consequently direct the respondents to conclude the departmental proceedings in pursuance of G.O.Ms.No. 91 General Administration (SER.C) Department dated 12.09.2022 failing which the above disciplinary proceedings stand quashed automatically in terms of the orders in W.P.No. 5097 of 2026 and to pass such

IA NO: 1 OF 2026

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 may be pleased to direct the respondents to conclude the disciplinary proceedings initiated against the petitioner vide Charge Memo T.E.C.No. 134 of 2013 on the file of Tribunal for Disciplinary Proceedings, Hyderabad within a period of 3 months and pass such

Counsel for the Petitioner:

1. T S N SUDHAKAR

Counsel for the Respondent(S):

1. GP FOR SERVICES I

The Court made the following:

ORDER:

1. This Writ Petition is filed under Article 226 of the Constitution of India seeking to declare the action of the respondents in not concluding the long pendency of disciplinary proceedings vide charge Memo T.E.C.No.134 of 2013 for incident year 2008-2010 as illegal and arbitrary.
2. Heard the learned counsel for the petitioner and the learned Government Pleader for the respondents.
3. The petitioner while working as Prohibition and Excise Inspector, was issued charge memo with respect to incident relating to the period of 2008-2010 on the allegation of corruption and received bribes, mamools and in abuse of his official duties. After initiation of aforesaid proceedings, there is no progress in the matter. Later, the petitioner was issued charge Memo T.E.C.No.134 of 2013 for incident year 2008-2010. However, so far, the inquiry is not completed and the same is pending.
4. Learned counsel for the petitioner submits that 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.

5. 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.

6. 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.

7. 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....”

8. 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 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.”

¹ (1998) 4 SCC 154

² (2005) 6 SCC 636

9. In **Secretary, Ministry of Defence vs. Prabhash Chandra Mirdha**³, 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.

10. 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.

11. In the case on hand, the alleged incident took place around 2008-2010, but there was no progress in the inquiries till abolition of the Tribunal and now the file is transferred to the COI.

12. 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 the date of receipt of copy of the order.

13. With the above direction, this writ petition is disposed of. There shall be no order as to costs.

³ (2012) 11 SCC 565

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

JUSTICE D.RAMESH

Date:21.04.2026
GK

THE HONOURABLE SRI JUSTICE D.RAMESH

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Dated:21.04.2026

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