

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
FRIDAY, THE FIRST DAY OF MAY

TWO THOUSAND AND TWENTY SIX

:PRESENT:

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 12305 OF 2026

Between:

R. Srinivasa Murthy, , S/o Late R. Chinna Ganganna, Age 58 years, Working as In charge Superintendent Engineer in the Cadre of Executive Engineer, R/o Quarter No.1, Besides Collector Bungalow, Nagarapalem, Guntur, Pincode 522001.

Petitioner

AND

1. The State of Andhra Pradesh, , Rep by its Special Chief Secretary, TR & B Department, A.P. Secretariat Velagapudi, Guntur District. Pincode 522237.
2. The Engineer-in-Chief (Admn), Roads and Buildings Department, MG Road, Vijayawada, NTR District. Pincode 520010.

Respondent

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 may be pleased to issue Writ Order or Direction more particularly one in the nature of Writ of Mandamus declare the action of the respondents in not considering the candidature of the petitioner for promotion to the post of In-charge Chief Engineer on mere pendency of disciplinary proceedings vide G.O.Rt.No. 164 dated 06-04- 2026 (incident pertaining to the year 2017), 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 In-charge Chief Engineer without reference to the pending disciplinary proceedings vide G.O.Rt.No. 164 dated 06-04-2026 on the same analogy of orders passed by this Honble Court in W.P.No. 3413 of 2026 dated 06-02-2026

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 consider the candidature of the petitioner for promotion to the post of In charge Chief Engineer in the existing vacancy, without reference to the Charge Memo vide G.O.Rt.No. 164 dated 06-04-2026, Pending disposal of WP 12305 of 2026, 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 CHILAMKURTHI SATYA DEV NAIDU Advocate for the Petitioner, GP FOR SERVICES II for the Respondents and the Court made the following.

ORDER

“Heard learned counsel for the petitioner and the learned Assistant Government Pleader for Services-II.

2. Learned counsel for the Petitioner submits that the Petitioner is within the zone of consideration for promotion as Chief Engineer and due to pendency of the disciplinary proceedings, the Respondent is not considering the candidature of Petitioner for promotion and there is every possibility of the Petitioner being denied of such promotion.

3. Learned Assistant Government Pleader for the Respondents 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.

4. Heard learned counsel for petitioner, learned Assistant Government Pleader for respondents and perusal of record available, it is observed that, the Government issued G.O.Ms.No.679, General Administration (ServicesC) 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 charges and six months in case of complicated

charges. In the present case, though charge memo has been issued on 06.04.2026, but 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.

5. Even a Coordinate Bench of this Court in W.P.No.17246 of 2024, observed that 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 decided the case, by following the judgment of Division Bench in Government of Andhra Pradesh v. A.Rajeswara Reddy¹ which 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

¹ 2010(4) ALT 374(DB)

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."

6. Having considered the submissions of both sides and having considered the material documents, this Court is of the view that the Charge Memo is belatedly issued, i.e., after two years from the date of issuance of proceedings dated 01.03.2024 by the Regional Vigilance & Enforcement Officer, is highly arbitrary and unreasonable. It is also stated that the Charge Memo has been issued, precisely at a time when the name of the petitioner has come within the zone of consideration for promotion to the post of Chief Engineer.

7. Having regard to the very fact that the Charge Memo has been issued after two years from the date of issuance of Proceeding dated 01.03.2024, this Court is of the view that the Charge Memo should not be taken into account while considering the case of the petitioner for promotion. In the event that the DPC is constituted for undertaking the exercise for effecting promotions, the same shall be proceeded with by the respondents and consider the candidature of the petitioner without reference to the Charge Memo dated 06.04.2026. It is also clarified that the outcome of the DPC shall be subject of the result in this writ petition.

8. For filing counter, list this matter along with W.P.No.25696 of 2025 after Summer Vacation, 2026."

SD/- T.SRINIVASA RAO
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Special Chief Secretary, TR & B Department, State of Andhra Pradesh A.P. Secretariat Velagapudi, Guntur District. Pincode 522237.

2. The Engineer-in-Chief (Admn), Roads and Buildings Department, MG Road, Vijajayawada, NTR District. Pincode 520010. (1 & 2 by Special Messenger)
3. One CC to Sri Chilamkurthi Satya Dev Naidu Advocate [OPUC]
4. Two CCs to GP for Services II ,High Court Of Andhra Pradesh. [OUT]
5. **One spare copy**

HIGH COURT

NV,J

DATED:01/05/2026

**FOR FILING COUNTER, LIST THIS MATTER ALONG WITH W.P.NO.25696
OF 2025 AFTER SUMMER VACATION, 2026**

ORDER

WP.No.12305 of 2026

DIRECTION

