



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

[3208]

WEDNESDAY, THE SIXTH DAY OF MAY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE D RAMESH

WRIT PETITION NO: 12529/2026

Between:

1. G KANTHU, S/O KRISHNA MURTHY (LATE), AGED 61 YEARS,
SUPERINTENDING ENGINEER (R AND B), KAKINADA R/O R
AND B QUARTERS, OPP. COLLECTORATE, KAKINADA.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL
SECRETARY, TRANSPORT, ROADS AND BUILDINGS
DEPARTMENT, SECRETARIAT, VELAGAPUDI, GUNTUR
DISTRICT. 522 238

2. THE ENGINEER IN CHIEF ROADS AND BUILDINGS,
GOVERNMENT OF ANDHRA PRADESH, VIJAYAWADA, A.P.
520001

...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 issue an appropriate writ, order or direction more particularly one in the nature of writ of Mandamus declaring action of respondents in not considering the case of the petitioner for promotion to the post of Chief Engineer in the existing vacancy despite the currency of punishment is over as illegal, arbitrary and violative of Articles 14, 16 and 21 of the Constitution of India and further direct the

Respondents to consider the case of the petitioner for promotion to the post of Chief Engineer and pass

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 consider the case of the petitioner for promotion to the post of Chief Engineer in any of the existing vacancy and pass such

Counsel for the Petitioner:

1.MANOJ KUMAR BETHAPUDI

Counsel for the Respondent(S):

1.GP FOR SERVICES II

The Court made the following:

The Court made the following ORDER:

1. The present Writ Petition is filed aggrieved by the action of respondents in not considering the case of the petitioner for promotion to the post of Chief Engineer in the existing vacancy despite the currency of punishment is over as illegal, arbitrary
2. Heard the learned counsel for the petitioner and the learned Government Pleader for the respondents.
3. The case of the petitioner is that he was initially appointed as Assistant Executive Engineer (R&B) in 1989 through direct recruitment and thereafter appointed as Deputy Executive Engineer in 1993. Subsequently, he was promoted as Executive Engineer in 2005 and Superintending Engineer in 2013. He also worked as Chief Engineer In-charge in Andhra Pradesh Airport Development Corporation Ltd. from 14.03.2021 to 13.03.2024 and thereafter was repatriated to his parent department, where he is presently working as Superintending Engineer at Kakinada. While so, disciplinary proceedings relating to an incident of the year 2010 were initiated against him in 2016 and ultimately, by G.O.Rt.No.116 dated 13.03.2025, punishment of stoppage of one annual grade increment without cumulative effect was imposed.
4. The learned counsel for the petitioner submits that the punishment period imposed against the petitioner has already expired and that no

departmental or criminal proceedings are pending against him. It is further submitted that the petitioner, being the senior-most eligible Superintending Engineer, is fully entitled to be considered for promotion to the post of Chief Engineer. However, despite the availability of vacancies in the said cadre, the respondents failed to consider the case of the petitioner for promotion, which is illegal and arbitrary. Hence the present writ petition.

5. On the other hand, the learned Government Pleader for the respondents, on the basis of the written instructions dated 06.05.2026 issued by the Engineer-in-Chief (R&B) Administration, submitted that the petitioner was imposed with the penalty of stoppage of one annual grade increment for a period of one year without cumulative effect and, therefore, during the subsistence of the said punishment, the petitioner was not entitled to be considered for promotion. It is further brought to the notice of this Court that certain other charges are also pending against the petitioner, which were framed vide G.O.Rt.No.349 dated 07.07.2015. The petitioner had already submitted his written statement of defence and the same, along with specific remarks, was forwarded to the Government vide letters dated 04.05.2016, 13.12.2019 and 19.02.2021, and the matter is still pending for consideration.

6. Considering the submissions made by both the learned counsel and upon perusal of the material available on record, this Court is of the view that the currency of punishment imposed against the petitioner has already

expired, as the period of one year has been completed, and therefore, the petitioner is eligible and entitled to be considered for promotion. Insofar as the charges framed vide G.O.Rt.No.349 dated 07.07.2015 are concerned, admittedly no Inquiry Officer has been appointed till date and no further proceedings have been initiated pursuant thereto. Accordingly, the writ petition is disposed of directing the respondents to consider the case of the petitioner for promotion to the vacant post of Chief Engineer in accordance with his seniority and eligibility and pass appropriate orders within a period of two (02) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

Consequently, Miscellaneous Petitions, if any, pending in the writ petition shall stand closed.

06.05.2026

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