

HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI

W.P.No.14474 of 2026

PROCEEDING SHEET

Sl. No	DATE	ORDER	Office Note
	15.05.2026	<p><u>GTK,J</u></p> <p>Heard Sri K.Srinivasa Prasad, learned counsel for the petitioner and Sri K.Ramalingeswara Rao, learned Assistant Government Pleader for Services-I.</p> <p>It is the case of the petitioner that he was initially appointed as Assistant Executive Engineer on 03.12.1987. Thereafter, he was promoted as Deputy Executive Engineer in the year 2000 and later promoted as Executive Engineer in the year, 2013.</p> <p>It is the further claim of the petitioner that respondent authorities are effecting promotions on incharge/adhoc basis and the authorities are aware that the petitioner is entitled and eligible to be promoted as Deputy Superintendent Engineer, considering his seniority. They are also aware that most of the juniors to him have already been promoted and, thereby, denying his promotion on the sole ground that departmental enquiry is pending, pursuant to the Articles of Charge framed in the year 2023, is illegal and arbitrary.</p>	

		<p>Sri K.Srinivasa Prasad, learned counsel for the petitioner, would submit that the Government issued instructions <i>vide</i> G.O.Ms.No.679 GAD (ser.c) Department, dated 01.11.2008, instructing the authorities concerned to complete the disciplinary enquiries in expeditious manner. Normally, within 3 months and 6 months is allowed in a simple and complicated cases and thereafter, the Government issued G.O.Ms.No.91 GAD dated 12.09.2022 reiterating the same regarding completion of disciplinary proceedings.</p> <p>Sri K.Srinivasa Prasad, learned counsel further contends that non-completion of the departmental proceedings, which have remained pending for a considerable period, cannot be a ground to deny promotion to the petitioner. According to him, the lethargic attitude of the respondent authorities in not concluding the enquiry cannot operate to the prejudice of the petitioner in the matter of promotion. He also points out that the petitioner is due to retire on 31.05.2026 and that the respondents are acting contrary to the instructions issued by the Government from time to time.</p> <p>Learned counsel for the petitioner further brought to the notice of this Court the judgments of the Hon'ble Supreme Court in the case of State of Punjab and Others v. Chaman Lal Goyal and P.V. Mahadevan v. M.D., Housing</p>	
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	<p>Board State of Tamil Nadu¹, wherein it was categorically held that delay in initiation or completion of departmental proceedings cannot be a ground to deny promotion to a delinquent employee.</p> <p>On pointed out question by this Court, the learned Assistant Government Pleader stated that, as on date, the Departmental proceedings initiated in the year 2023 are still pending and he needs to get instructions to the latest stage of the said enquiry.</p> <p>Owing to the submissions made by the learned counsel for the petitioner, this Court finds force in the contention that the petitioner cannot be denied promotion solely on the ground that the departmental enquiry, instituted in the year, 2013, is still pending. The delay attributable to the department cannot be put against the petitioner. Therefore, this Court is inclined to pass an order, directing the respondents to consider the case of the petitioner for promotion to the post of Superintendent Engineer without reference to the proceedings issued vide G.O.Rt.No.258, dated 08.06.2023.</p> <p>Learned counsel for the petitioner also placed reliance upon the order passed by this Court in W.P.No.7753 of 2025, dated 27.03.2025, wherein this Court considered G.O.Ms.No.679,</p>	
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¹ 2005 (6) SCC Page 636

		<p>dated 01.11.2008, which mandates completion of departmental proceedings within three months in simple cases and within six months in complicated cases.</p> <p>This Court has also taken note of the Judgment in Government of Andhra Pradesh represented by its Principal Secretary, Revenue Department and another Vs. A.Rajeswara Reddy².</p> <p>In view of the above facts and circumstances of the case, there shall be interim direction, directing the respondents to consider the case of the petitioner for promotion without reference to the charge memo issued <i>vide</i> G.O.Rt.No.258, dated 08.06.2023, pending against the petitioner.</p> <p>List the matter after Summer Vacation, 2026.</p> <p style="text-align: right;">_____ GTK, J</p> <p>LSP/SSA</p>	
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² 2010 (4) ALT 374 DB