

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

(SPECIAL ORIGINAL JURISDICTION)

FRIDAY, THE FIFTEENTH DAY OF MAY

TWO THOUSAND AND TWENTY SIX



: PRESENT:

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

WRIT PETITION NO: 14474 OF 2026

Between:

P.V. Seshu Babu, S/o. P.Ch. Satyanarayana, Aged about 62 years, Presently working as Executive Engineer, Telugu Ganga Project, Badvel, Y.S.R Kadapa District.

Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Water Resources Department, Secretariat Building, Secretariat, Velagapudi, Amaravathi, Guntur District-522238
2. Engineer-in- Chief (Admin), Water Resources Department, Irrigation Compound, Near City Civil Court, Vijayawada, NTR District erstwhile Krishna District.-520002

Respondents

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 inaction on the part of the respondent authorities to consider the case of the petitioner for promotion to the category of Superintending Engineer without reference to the pendency of

the Departmental Enquiry as the Proceedings relating to 2016 (Assets case) though dropped the case vide Crime No. 02/RCA-Kurnool/2016 from ACB and SPE Court and initiated the Departmental enquiry vide Memo No.243204A/Vig.I/2016-7 WR (Vig.I) Department dated 20.07.2021 and issued Article of Charges vide G.O.Rt.No.258 Water Resources (Vigilance-II/A2) Department, dated 08-06-2023 is highly illegal, arbitrary, discriminatory and Violation of Article 14,16, 19 and 21 of the Constitution of India and contrary to the law laid down by the Honble Apex Court in a case of State of Punjab and others Vs. Chamanlal Goyal reported in 1995 (2) see 570 (Paragraphs 19 and 12) and P.V. Mahadevan Vs. MD. Housing Board State of Tamilnadu reported in 2005 (6) SCC Page 636 and executive instructions vide G.O.Ms.No.257 GAD (Ser.C) Department dated 10.06.1999 and consequential Cir.Memo No.15813/Ser.C/2007 dated 11.09.2007 and consequently direct the respondent authorities to consider the case of the Petitioner for promotion to the category of Superintending Engineer in view of the law laid down by the Honble Apex Court in a case of State of Punjab and others Vs. Chamanlal Goyal reported in 1995 (2) SCC 570 (Paragraphs 19 and 12) and P.V. Mahadevan Vs. MD. Housing Board State of Tamilnadu reported in 2005 (6) SCC Page 636 and executive instructions vide G.O.Ms.No.257 GAD (Ser.C) Department dated 10.06.1999 and consequential Cir. Memo No.15813/Ser.C/2007 dated 11.09.2007.

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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 to direct the respondent authorities to consider the case of the Petitioner for promotion to the category of Superintending Engineer regular/on adhoc basis without reference to the pendency of the Departmental Enquiry vide G.O.Rt.No.258 Water Resources (Vigilance-II/A2) Department, dated 08-06-2023 on or before 31.05.2026, Pending disposal of WP No.14474 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 K Satyanarayana Murthy, Advocate for the Petitioner, and of GP for Services-I for the Respondents, the Court made the following.

ORDER

Heard Sri K.Srinivasa Prasad, learned counsel for the petitioner and Sri K.Ramalingeswara Rao, learned Assistant Government Pleader for Services-I.

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.

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.

Sri K.Srinivasa Prasad, learned counsel for the petitioner, would submit that the Government issued instructions *vide* 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.

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.

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 Board State of Tamil Nadu ¹, 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.

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.

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.

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, dated 01.11.2008, which mandates completion of departmental proceedings within three months in simple cases and within six months in complicated cases.

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.

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 vide G.O.Rt.No.258, dated 08.06.2023, pending against the petitioner.

List the matter after Summer Vacation, 2026.

//TRUE COPY//

SD/-K.V.RAGHAVULU
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Principal Secretary, State of Andhra Pradesh, Water Resources Department, Secretariat Building, Secretariat, Velagapudi, Amaravathi, Guntur District-522238

2. The Engineer-in- Chief (Admin), Water Resources Department, Irrigation Compound, Near City Civil Court, Vijayawada, NTR District erstwhile Krishna District.-520002 (1 & 2 by RPAD)
3. One CC to Sri K Satyanarayana Murthy, Advocate [OPUC]
4. Two CCs to GP for Services I, High Court of Andhra Pradesh. [OUT]
5. One spare copy

HIGH COURT

GTK, J

DATED: 15/05/2026

LIST THE MATTER AFTER SUMMER VACATION - 2026

ORDER

WP.No.14474 of 2026

INTERIM DIRECTION

